
MINUTES OF THE PROCEEDINGS

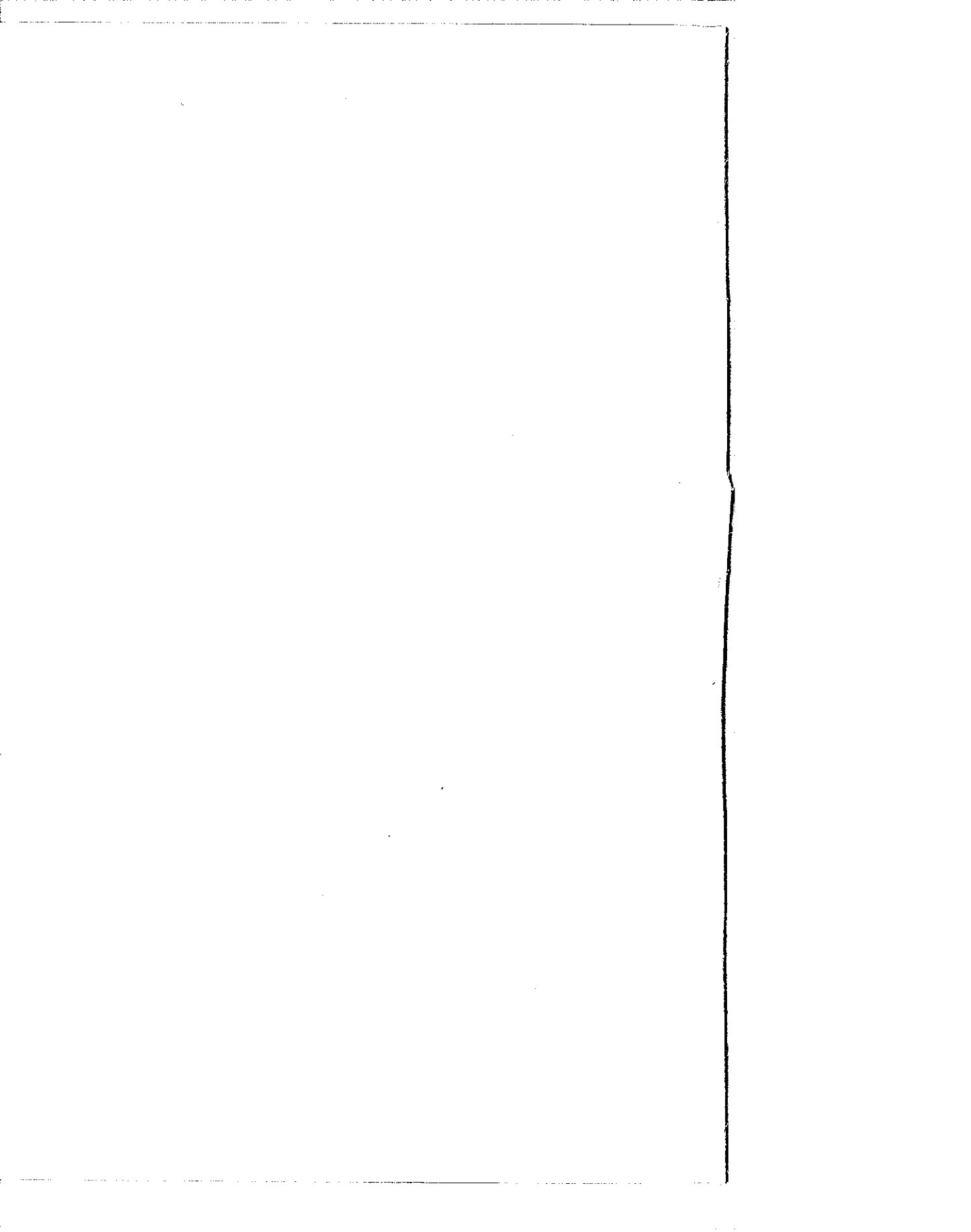
OF

THE COUNCIL

**OF THE
CITY OF PITTSBURGH
FOR THE YEAR
1993**

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SEE VOLUME 127 - A FOR INDEX



MUNICIPAL RECORD

Proceedings of the Council of the City of Pittsburgh

VOL. CXXVII

Tuesday, June 22, 1993

No. 25

Municipal Record

ONE-HUNDRED TWENTY-SEVENTH COUNCIL

JACK WAGNER..... President
MICHAEL PERRY..... City Clerk
LINDA M. JOHNSON-WASLER..... Asst. City Clerk

Pittsburgh, PA
Tuesday, June 22, 1993

PRESENT:

MR. COHEN	MR. ONORATO
MR. DARKINS	MR. RICCIARDI
MR. FERLO	MR. SMITH
MICHELLE MADOFF	MR. WAGNER
MR. O'CONNOR	(Pres't)

The Meeting was opened by the recitation of the Pledge of Allegiance to the Flag of the United States of America, and a moment of silent prayer for peace throughout the world.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Darkins presents

No. 2813 WHEREAS, Sister Alma Robinson was born in Bamberg, South Carolina and relocated to Pittsburgh in 1937; and

WHEREAS, Sister Alma Robinson was initiated in the Fraternal Order and joined Martha Chapter #32 Organization Eastern Star in 1947; and

WHEREAS, Sister Alma Robinson served three terms in the Office of Treasurer and the Office of Financial Secretary; and

WHEREAS, Sister Alma Robinson is a faithful and dedicated member and enjoys helping and organizing; and

WHEREAS, Sister Alma Robinson was employed as a practical nurse for 16 years at John J. Kane Hospital where she retired in 1976; and

WHEREAS, Sister Alma Robinson became a member of the Monumental Baptist Church in Pittsburgh, Pennsylvania in 1947 and still is a devoted member of the nurses auxiliary. She also works the sick and shut-in; and

WHEREAS, Sister Alma Robinson is the mother of one child, Douglas Ransome, and has six grandchildren, six great grandchildren and one great great grandchild; and

WHEREAS, Sister Alma Robinson is the loving sister of a family of two brothers and seven sisters, all living with the exception of one sister. She enjoys organizing the Ransome-Cease Family Re-Union.

NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF PITTSBURGH commends Sister Alma Robinson for dedicating over forty years to uphold and encourage others to live by the doctrines set forth by the Fraternal Order and Martha Chapter #32 Order Eastern Star.

BE IT FURTHER RESOLVED THAT THE COUNCIL OF THE CITY OF PITTSBURGH declares June 26, 1993 Sister Alma Robinson Day in the City of Pittsburgh.

Mr. Darkins moved to adopt the Resolution.

Mr. Smith seconded the motion.

Which motion prevailed.

Sister Robinson:

To all Council Members, some friends and to Brother Darkins, I want thank you very much for this resolution, and I want to thank everybody who had part in getting it together for me. I didn't know anything about it until yesterday. It was a surprise to me today, but thank you just the same. God bless you.

Mr. Darkins presents

No. 2814 WHEREAS, Elder Oscar Timothy Tillman will be recognized as Homewood Brushton's Oldest Senior on June 26, 1993 and will be officially honored by the HBDIA, Inc. on June 26, 1993 at 1:30 at the Kelly Street High-rise, Homewood; and

WHEREAS, Elder Oscar Timothy

Tillman accepted the Lord Jesus Christ as his Savior in the year 1921 and thereafter received the Holy Ghost into his life in the year 1922; and

WHEREAS, Elder Oscar Timothy Tillman accepted his calling from the Lord to preach the gospel in the year 1923 and thereafter pastored five churches throughout the State of Pennsylvania and was the first Pastor from the International Churches of God in Christ to build a church from the ground up in the City of Pittsburgh; and

WHEREAS, Elder Oscar Timothy Tillman traveled to Canada in the year 1950 to receive his Theology Degree from American Bible School and since then has acted as mentor, teacher and counselor to hundreds of men and women throughout the United States; and

WHEREAS, Elder Oscar Timothy Tillman has excelled as a skilled professional with abilities in the areas of financial management, business administration, English composition, business marketing and crisis counseling; and

WHEREAS, Elder Oscar Timothy Tillman has reached a plateau in life at the age of 102 that less than 98 percent of Americans realize and at this moment he still has control of his mind, bodily functions and a strong command of the Word of God.

NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF PITTSBURGH does hereby declare June 26, 1993 as Elder Oscar Timothy Tillman Day in the City of Pittsburgh.

Mr. Darkins moved the adopt the Resolution.

Mr. Ferlo seconded the motion.

Which motion prevailed.

Mr. Ricciardi:

I would like to ask my invitees if they would please come forward. We have with us representing the Housing Authority, Executive Director, David Washington and Board Member, Jim Ferlo; Anthony Williams who is the Manager of the Arlington Heights Community; Chris Wrebleski who is the Foreman of Maintenance; and Mike Galovitch who is a truck driver, and also representing the Teamsters, and a personal friend. Would you please come forward.

We also have with us Linda Brown who is the President of the Arlington Heights Tenants Council and a community leader, not just in Arlington Heights but south of the rivers.

Also, we have with us General Electric employees: George Franz; Larry Franz; Bill Baldwin, Russ Spicuzza and Ernie Borgett.

Colleagues, I'm very proud to present two resolutions today that are interrelated, and resolutions that really show the hard work of many individuals on the behalf of children in our Arlington Heights Community.

I'd like to read the first resolution that I will be presenting to Linda Brown.

Mr. Ricciardi presents

No. 2815 WHEREAS, the Arlington Heights Tenants Council, a community based service organization established in 1969 to provide support for the residents of Arlington Heights, recognized the need for a new centrally located tot lot for the children of the Arlington Heights Community; and,

WHEREAS, the Arlington Heights Tenants Council enlisted the aid of the Brashear

Association, a support organization serving the South Side and Hilltop communities of Pittsburgh; the Pittsburgh Chapter of the Elfun Society, a volunteer organization of General Electric managers and executives, active and retired, dedicated to volunteerism, community service and communication; and the Pittsburgh Housing Authority to design and build the proposed tot lot; and,

WHEREAS, the Pittsburgh Housing Authority provided the location and moved the tot lot equipment; and,

WHEREAS, the Brashear Association provided technical assistance on the project and refreshments during the construction; and,

WHEREAS, the Arlington Heights Tenants Council and the Pittsburgh Chapter of the Elfun Society provided over 100 laborers to construct the new tot lot; and,

WHEREAS, the Arlington Heights tot lot was constructed on Saturday, May 22, 1993 and dedicated on Saturday, June 5, 1993.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby commends the Arlington Heights Tenants Council, the Pittsburgh Housing Authority, the Brashear Association and the Pittsburgh Chapter of the Elfun Society for all of their hard work and efforts in building a new tot lot for the children of Arlington Heights and wishes the children of the Arlington Heights Community much joy and happiness in their new facility.

Mr. Ricciardi moved to adopt the Resolution.

Mr. O'Connor seconded the motion.

Which motion prevailed.

Mr. Ricciardi:

Thank you colleagues. Now, I'd like to ask Linda Brown a person who is well respected and a person that I respect south of the rivers if she could please come forward to accept this resolution, and maybe you'd give us some of the background, and tell us just how successful the lot has been. I was out there a few days ago and it was well crowded, thank you and congratulations.

Ms. Brown:

Thank you Council Members, colleagues and President Jack Wagner. The tot lot up in Arlington Heights has been a -- I've said this a number of times, it has been a dream of the residents on Zaruba Street, and also the residents in Arlington Heights. It was a dream, but now it has become a reality.

The playground is utilized daily. I can walk there any time of the day and it has -- from 9:00 o'clock in the morning until after 9:00 o'clock in the evening there are kids utilizing it.

Again, with the partnership and so many people that have helped. As you heard from Gene reading the resolution without their participation in this, I don't think this dream would have become a reality.

And, it takes the participation of working with agencies and corporations such as the people that you've heard throughout the resolution.

Again, I would like to thank all those that was involved and most important is the residents of Arlington Heights. It was them that had the dream also, and it was them that came out there and put their hard labor in.

But, again without all the people

participating in it, it would not have become a reality, and I would like to say thank you to all.

Mr. Ricciardi:

Now, I'd like to ask David Washington the Executive Director of the Housing Authority if he would say a few words.

Because, many times you hear stories that when you work with authorities or try to work with agencies that you hit block walls, but that doesn't happen with the Housing Authority under the direction of David Washington. When you come up with an idea and you say we're going to build a tot lot for kids, he was there and his people were involved, and we're very proud of that fact. So, David, I'd like to ask you if you would please come forward.

Director Washington:

Mr. President, Members of Council, friends, I just think this is a wonderful example of the kind of partnership that can be created in this City, and I'd just like to echo what Linda has just said.

I think it's just a good example of the private sector, government and above all else the residents working together; and I know that even though the tot lot has been completed, I think we're right in the middle of working with the City's help and the residents on the basketball court and that's the next project that's partially underway right now. That should be completed very shortly, and I'm sure that there's going to be many more projects to work on together. So again, thank you very much.

Mr. Ricciardi:

Many times in the City of Pittsburgh and the surrounding region many good deeds go unrecognized, and it's because there's so many

societies and so many men and women that do things not looking for recognition. But, I've never heard of in the past the Elfun Society, but I've heard of them now, because Councilman Duane Darkins and I had an opportunity to attend their banquet and there's so many good deeds that they perform that I thought it's about time that we take them from the cloak of secrecy to the halls of City government. And, now I'd like to recognize them with this Resolution.

Mr. Ricciardi presents

No. 2816 WHEREAS, the Elfun Society was founded on² July 15, 1928 as a volunteer organization of "General Electric Leaders to develop enthusiasm, loyalty and team spirit among company management, and has expanded into a truly international community with over 36,000 regular and senior members in the United States, Canada, Puerto Rico and Japan; and,

WHEREAS, in the early 1980's the Elfun Society's direction and purpose changed to an organization built around volunteerism, community service, and communication, and who's members are pledged to bring the same knowledge of organization, skills of management, knack of solving problems, and entrepreneurial innovativeness and energy that they use in their business careers to their volunteer activities done in the public interest; and,

WHEREAS, the Pittsburgh Chapter of the Elfun Society consists of 119 regular and senior members representing 15 General Electric businesses; and,

WHEREAS, the Pittsburgh Chapter of the Elfun Society has organized and sponsored many public service projects including the renovation of the "Blind Trail" at North Park, hosting 25 hearing impaired children from the

DePaul Institute at Disney's Beauty and the Beast Ice Show, Earth Day Activities for 26 different Pittsburgh area classes which touched over 400 children, and hosting 26 young men from the Holy Family Institute at a Pirate game; and,

WHEREAS, the most recently completed major project for the Pittsburgh Chapter of the Elfun Society is a tot lot playground for the young children of Pittsburgh's Arlington Heights Community.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends the Pittsburgh Chapter of the Elfun Society for its outstanding contributions to the Greater Pittsburgh Community and declares Tuesday, June 22, 1993 "Elfun Society Day" in the City of Pittsburgh.

Mr. Ricciardi moved to adopt the Resolution.

Mr. Onorato seconded the motion.

Which motion prevailed.

Mr. Franz:

Mr. President and Council Members, when we first spoke with Linda to talk about maybe a way that the Elfun's and the GE community could participate and bring something back to the City of Pittsburgh, we were really looking for something that we could do ourselves and this recognition you gave us today was something that was just totally unexpected and very much appreciated. Thank you so much for everything.

Mr. Darkins:

First of all, I want to commend you Ms. Brown on a very very good job that's being done in Arlington Heights, and to see the players and see what has transpired is truly wonderful. In

watching the slide projection I was not there, but I went to the Elfun's dinner and I watched the slide presentation and saw the combined effort with those African-American children, seeing all these gentlemen from various organizations there working it was heartfelt and heart touching.

And, I want to say to you today, because Councilman Ricciardi is your elected official there representing you well in Arlington Heights, I'm proud of him, and he's doing a good job with you there. Continue on working. It's a partnership. Director Washington it is partnership all of us working together. George, that is a great group that you have there, and I'm so glad that Gene Ricciardi has now brought you from in hiding, and has now put you all on a front street, and believe me in the very near future the 9th Council District of the City of Pittsburgh will be calling on you.

The Chair:

Thank you, Councilman Darkins. Anyone else? Thank you all very much. Thank you, Councilman Ricciardi. Thank you Linda for doing a great job.

Mr. Cohen presented

No. 2788 An Ordinance amending the Pittsburgh Code, Title Two, Fiscal, Article IX Property Taxes, Chapter 261 Personal Property Tax, Section 261.07 Tax Payment and Collection, by changing the due dates for remittance of tax.

Also,

No. 2789 Resolution further amending Res. No. 764 of 1992 as amended by Res. No. 880 of 1992 and Res. No. 1293 of 1992 entitled "Providing for the filing of an application or applications by the City of Pgh. with the U.S. Dept. of Labor and/or Commonwealth of Pa., for

a grant or grants in connection with the Job Training Partnership Act; providing for the execution of grant contracts and for the filing of requisitions and other data providing for the appointment of the Private Industry Council and authorization for the Private Industry Council and the City of Pgh. to enter into agreements authorized by the Job Training Partnership Act, as amended; providing for required assurances; providing for the execution of payment vouchers and for certification of authorized signatures; providing for a contract or contracts with various agencies/employers for services and programs related to training and employment for the Job Training Partnership Act projects; and providing for the deposit of funds into a bank account," by increasing the amount available for subcontractor agreements by \$648,413.00 from \$3,349,988.00 to \$3,998,401.00, chargeable to and payable from the JTPA-1 Trust Fund.

Which were read and referred to the Committee on Finance.

Mr. Cohen moved to suspend Rule 8 by providing for consideration of all the bills only until or after the 8th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. Onorato seconded the motion.

Which motion prevailed.

Also,

No. 2790 Resolution providing for the issuance of a \$810.00 warrant in favor of Anthony J. Sacco in settlement of claim for sidewalk damage due to City tree roots at 1167 Cox Place, payable from Code Account No. 46, Judgments.

Also,

No. 2791 Resolution providing for the issuance of a warrant in the sum of \$4,120.00 to Robert DiCaprio c/o Richard E. Gordon, Esquire, Grossinger, Gordon & Vatz, 1000 Law & Finance Building, Pgh., PA 15219, in full and final settlement of the action filed at GD92-8720 alleging personal injuries sustained due to a collision at 34th and Butler Streets on or about May 16, 1990, payable from Code Account No. 46, Judgments.

Also,

No. 2792 Resolution authorizing the Director of Finance to retain a retiree health insurance and cost-reduction program. Current municipal retirees, except for employees whose union contract specifically authorize, or who are expressly covered by Council authorization, have exhausted COBRA rights, and are not eligible to purchase health insurance through the City's group health insurance plan, the Council of the City of Pgh. hereby enacts as follows: Upon expiration of their COBRA rights, these current municipal retirees shall be offered the opportunity to purchase one of the following health insurance plan options: (a) Blue Cross/Blue Shield, direct pay conversion; (b) Keystone Health Plan HMO; (c) Health America HMO. The cost of this reimbursement shall be payable from Code Account 45, Health Insurance, and the Director of Finance and City Controller are hereby authorized and directed to pay such reimbursements on proper proof to the Director of Finance or designee of payment by the retiree.

Also,

No. 2793 Resolution providing for conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Also,

No. 2794 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Also,

No. 2795 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Which were severally read and referred to the Committee on Finance.

Mr. Darkins presented

No. 2796 Resolution providing for the issuance of a warrant in favor of Darryl Taylor, c/o Golden Lancers Junior Drum and Bugle Corp., Post No. 155, Greater Pittsburgh Council, Boy Scouts of America, 2400 Grant Building, Pittsburgh, PA 15219, in the amount of \$500.00 in payment for membership in the Explorer Post No. 155, Boys Scouts of America, chargeable to and payable from Code Account 1001-1, Misc. Services, Supplies and Equipment, etc., City Council, District 9 (Index Code 100115).
---(SPONSORED BY MR. DARKINS)

Which was read and referred to the Committee on Finance.

Mr. Ferlo presented

No. 2797 Resolution providing for the issuance of a warrant in favor of Paul DeRenzo, Esquire, 585 Two Chatham Center, Pgh., PA 15219, in the amount of \$750.00 in payment for

professional consulting services rendered to Councilman Jim Ferlo for the month of June 1993, chargeable to and payable from Code Account 1101-2, (100123), Salaries, Wages and Services of Council, As Needed, City Council, District 7. —(SPONSORED BY MR. FERLO)

Which was read and referred to the Committee on Finance.

Also,

No. 2798 Resolution authorizing and directing the Chief of the Bureau of Building Inspection (BBI) to condemn and demolish the Stanton Heights Shopping Center in the 10th Ward. —(SPONSORED BY MR. FERLO)

Also,

No. 2799 Resolution authorizing the Director of the Dept. of Public Safety to grant a \$500.00 reward from the Graffiti Trust Fund (Index Code 252411) to Lawrence Miller for providing information which led to the arrest of two graffiti vandals on June 9, 1993. —(SPONSORED BY MR. FERLO)

Which were read and referred to the Committee on Public Safety.

Mr. Ferlo moved to suspend Rule 8 by providing for consideration of all the bills only until or after the 8th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. Darkins seconded the motion.

Which motion prevailed.

Also,

No. 2800 Resolution approving a

Conditional Use Exception under Section 993.01(a)(7) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993, to the City of Pittsburgh for authorization to construct a one-story fire station on a 35,000 sq. ft. site located at 111-115 Central Avenue, with parking to accommodate eight automobiles on property zoned "C3" Commercial District, 27th Ward. (Council District No. 1)

Also,

No. 2801 Resolution providing for an Agreement or Agreements with Miryam's for the payment of operating expenses and/or provision of essential services to the homeless under the State Emergency Shelter Grants Program, at a cost not to exceed \$30,000.00, chargeable to and payable from the Emergency Shelter Grant Program, "ESGP Trust Fund".

Also,

No. 2802 Resolution providing for an Agreement or Agreements with Bethlehem Haven for the payment of operating expenses under the State Emergency Shelter Grants Program, at a cost not to exceed \$20,000.00, chargeable to and payable from the Emergency Shelter Grant Program, "ESGP Trust Fund".

Also,

No. 2803 Resolution providing for an Agreement or Agreements with North Side Common Ministries for the payment of operating expenses under the State Emergency Shelter Grants Program, at a cost not to exceed \$10,000.00, chargeable to and payable from the Emergency Shelter Grant Program, "ESGP Trust Fund".

Also,

No. 2804 Resolution providing for an

Agreement or Agreements with Light of Life Ministries for the payment of operating expenses under the State Emergency Shelter Grants Program, at a cost not to exceed \$31,223.00, chargeable to and payable from the Emergency Shelter Grant Program, "ESGP Trust Fund".

Also,

No. 2805 Resolution providing for an Agreement or Agreements with YMCA of Pittsburgh - Centre Avenue Branch for the payment of operating expenses under the State Emergency Shelter Grants Program, at a cost not to exceed \$25,000.00, chargeable to and payable from the Emergency Shelter Grant Program, "ESGP Trust Fund".

Which were severally read and referred to the Committee on Planning, Housing and Development.

Also,

No. 2806 Resolution amending Resolution No. 316, approved April 16, 1993, entitled, "A Resolution authorizing and directing the Mayor and the Director of Parks and Recreation to enter into a lease and Agreement with a nonprofit subsidiary of Carnegie Mellon University in connection with the operation and maintenance of the Schenley Park golf course," by changing the wording of Section 2 and by adding Items 19 and 20. This Resolution shall become effective upon the Mayor's signature.
--(SPONSORED BY MR. FERLO)

Which was read and referred to the Committee on Parks and Recreation.

Mr. O'Connor presented

No. 2807 Resolution transferring the amount of \$220,405.00 from Code Account No. 46, Judgments, to Code Account SPMTF,

Swimming Pool Maintenance Trust Fund, in the Department of Parks and Recreation. This transfer is necessary to pay wages for lifeguards in connection with the 1993 Swimming Pool Program.

Which was read and referred to the Committee on Finance.

Mr. O'Connor moved to suspend Rule 8 by providing for consideration of all the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Darkins seconded the motion.

Which motion prevailed.

UNFINISHED BUSINESS

Michelle Madoff:

Mr. President, point of order. We wish to at some point whether it is now or at the end of the meeting reconsider the vote the other day on Phipps Conservatory.

I think people have thought it through a little bit more clearly and are now wishing to join with Mr. Cohen and myself in changing that vote.

The issue is very simply for ten years I've been saying or better we've got to give the Zoo, the Aviary and the Conservatory into a nonprofit kind of operation because the taxpayers cannot afford that kind of burden.

I believe that is the wish of this Council. At some point we need to move on it. Is this the appropriate time?

The Chair:

It is the appropriate time and there has to be a motion put on the floor.

Mr. Ferlo:

Point of order, Mr. President. Could someone please be recognized and clearly state what their motion is or is not under Unfinished Business.

The Chair:

Well, Councilwoman Madoff cannot make that motion. It has to be someone that voted for the amendment, and for explanation reasons I'm going to ask Mr. O'Connor.

Mr. O'Connor:

We decided that we will amend it at the end of the meeting. Suspend this meeting, Rule 8 it, suspend this meeting until tomorrow and have final vote tomorrow.

Michelle Madoff:

You can't.

The Chair:

So you will be reintroducing an amendment to that bill prior to the closure of this meeting.

Mr. O'Connor:

Right. And, I will ask Council to Rule 8 it, and talk about it tomorrow and extend this meeting.

The Chair:

According to Roberts Rules of Order, if we were to reconsider the vote it has to be done prior to us proceeding with final vote on other

bills. It would have to be done right now. So, since that is the course of action and there is no motion on the floor we are going to proceed to regular business.

Michelle Madoff moved to recess for five minutes.

Mr. O'Connor seconded the motion.

Mr. Ferlo:

Point of order.

The Chair:

Roll call vote on the recess.

Mr. Ferlo:

I had a point of order inquiring to the recess.

The Chair:

Is there any discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen

Mr. Darkins

Michelle Madoff

Mr. O'Connor

Mr. Onorato

Mr. Ricciardi

Mr. Smith

Mr. Wagner

(Pres't)

AYES 8

NOES 1

(MR. FERLO VOTING NO)

And a majority of the votes of Council being in the affirmative, the motion passed finally.

The Chair:

The meeting is recessed for five minutes.

(COUNCIL SESSION RECESSED)

The Chair:

Council's recessed meeting will now come to order.

The portion of the meeting that we're on is Unfinished Business. Is there a motion under Unfinished Business, Councilman O'Connor?

Mr. O'Connor:

Yes, I make a motion to reconsider the vote on Bill 2571 - Phipps lease and on the amendment that deleted the phrase, "which approval will not be unreasonably withheld from Section 3.03 of the lease. I voted for both amendments and the bill.

Mr. Darkins seconded the motion.

The Chair:

Discussion on reconsideration. Any other discussion by the maker of the motion?

Mr. O'Connor:

Yes. New information has come to us after our vote last week, and I believe that this wording which we're going to take out and add other phrases was in the Neville Ice Arena, the Aviary and the Schenley Park golf course, which I don't think any of us were aware of at the time of

our vote last week.

We had nine amendments which we put in the lease and five of them need City Council approval. So, I feel we really have a lot more say and a lot more input in this lease. Much more than we have in any other lease, and I feel this is the final action to finish the deal.

The Chair:

We need five votes for this reconsideration.

Mr. Ferlo:

Motion to reconsider, Mr. President. First of all, I'd like to state that I object to it procedurally. I think it's untimely. I do question its legality procedurally. Not the substance which I'd like to talk about secondly, but just procedurally I question the legality and the appropriateness both in terms of timely fashion, as well as content wise the actual procedure of reconsidering on a final action a bill that we have taken final action on just a week ago.

So, I just want the record to reflect my objection procedurally to the motion for reconsideration on what Council's long standing practice has been and that is final action on a bill a week ago in Legislative Session.

On the actual substance that Mr. O'Connor mentioned I think there's an important difference and distinction between the previous leases that he mentioned. Specifically, in terms of the covenant and the nature of the Mary Schenley will and deed, and the institution of Schenley Park, and specifically Phipps Conservatory as part and parcel of that parcel of land. The long standing relationship that that land has to not only the Oakland Historic Civic Corp, but indeed the City of Pittsburgh. There are substantial differences between a negotiated

lease with the City relative to the Skating Rink which I voted for —

The Chair:

Mr. Ferlo, if I could just — I don't want to interrupt you, but I know you want to talk about this, but the only way we can really talk about it is if we reconsider it.

Mr. Ferlo:

I have no problem with that. I was speaking because Mr. O'Connor started speaking about the substance of the bill. I have no problem waiting to talk about it.

The Chair:

Any other questions on the motion to reconsider the vote?

Roll call vote. Five affirmative votes are necessary for us to proceed beyond here.

The Chair:

Is there any discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen
Mr. Darkins
Michelle Madoff
Mr. O'Connor

Mr. Onorato
Mr. Ricciardi
Mr. Wagner
(Pres't)

AYES 7

NOES 2

VOTING NO:

Mr. Ferlo
Mr. Smith

And a majority of the votes of Council being in the affirmative, the motion passed finally.

The Chair:

The vote to reconsider has been passed. The bill and the amendment will now be reconsidered. The question now I believe is on the amendment.

Council last Tuesday considered the amendment which deleted the phrase "which approval will not be unreasonably withheld" from Section 3.03 of the lease. That amendment passed last Thursday. The vote is now being reconsidered and is on the floor.

Mr. Ferlo:

Point of order, Mr. President. Procedurally, do we have something in writing reflecting what this amendment is -- on the table per Council rules?

The Chair:

Councilman O'Connor.

Mr. Ferlo:

Or let alone rules, courtesy. Do we have something in writing about what the wording is? Mr. O'Connor please restate it?

Mr. O'Connor:

We would like to put it back in "which approval will not be unnecessarily withheld". I have the lease --

Mr. Ricciardi:

Unreasonable, unnecessarily. Mr. O'Connor, what is the wording?

Mr. O'Connor:

Unreasonably withheld. I have the lease here if I can find it.

Mr. Ferlo:

So, it references only that one section.

Mr. O'Connor:

Yes, Jim. Everything else stays.

Mr. Ferlo:

Again, I just want to state to conclude what I was saying earlier. First of all, I think unlike the previous agreements be it the Golf Course or the Aviary or the Ice Skating Rink, which was mentioned I do think that this particular land and the nature of this facility, as well as its long term relationship to this municipality is separate and distinct from some of the previous lease arrangements.

Procedurally, I believe strongly that there is more community input and certainly more Council input and debate, discussion, public hearing, and time to review and give consideration to the golf course. All be it, I disagreed in the end with what the outcome would be, as opposed to the rush to judgement on the resolution and the lease document that was submitted to this Council following the introduction by the Administration of the resolution.

We at least had more information and more debate, discussion and review, including public comment and review, good, bad or

indifferent on the previous actions then we did on this agreement with the Phipps Conservatory.

The basic principle is a very simple one, and that is either Council does or does not want, or should or should not, or shall and does want ultimate ability to both review and give final approval on a number of different issues, including the ones that we talked about relative to these amendments.

And, I believe that's the majorities concern initially as expressed. I don't know that any new information has come to the table. I think some political arm twisting has come to the table. But, in terms of the merits of the amendments, all those amendments of which I believe there are nine in total were intended to recognize that this is a public trust to recognize that there is growing concern on the drain and the operating budget of managing and operating this facility.

However, we're not going to throw caution to the wind. Forever in a day, long after this present Council is no longer seated in these chambers that future City Council should be concerned about this public trust and facility known as Phipps Conservatory.

There's an important principle here regarding what City Council's obligation and authority should be both to review and ultimately give approval to any major expansion, alteration, enlargement, change of use, what have you of what has historically been referred to as Phipps Conservatory. That's basically what the issue is.

The language of those seven words I think is ambiguous and misleading, and I think in the future will give cause to legal arguments before our judicial panels on exactly what this lease intended to be. And, I think Council should clearly state what our intentions are.

And, I can only speak for myself. My intention was that any future enlargement, alteration, etcetera, regarding the property should be within a review and approval by ultimately the legislative body, City Council.

And, in fact, we left in because of the request and because it would be prudent. We left in the sixty day time constraint and time period so as to not be obstructionist to an orderly development of that site on the part of the Phipps nonprofit group, on a part of fund raising on their part or what have you.

There's a sixty day time period for PCI to introduce a resolution regarding their plans for changing the facility. Both the Engineering & Construction Department in the City would review that and offer their commentary and ultimately this City Council within that sixty day period would do so. I think that's prudent. I see no reason why to take out this language.

Only if we were to take out this language I strongly suggest that we specifically put language back in that clarifies that obviously; and I believe this to be the case when I offered the amendment initially, that Council on a whim would not say we're not for something. In every situation where Council has taken an issue on land use regarding either a historic designation or a conditional use in the Zoning Code it has always been clearly stated in writing and stipulated by this Council what the reasoning is as to why we either approve or disapprove.

We've never on a whim or some whimsical action not approved something for some subjective or nonsensical reason. Every action of this Council regarding land use and designation on historic ordinances and other actions of this Council have always been prudent, have always given a specific reasoning why we did not support some construction activity. So, I think there's a question of good faith on both

parts.

And, I do question in the end and I think it's a legal question that is still outstanding that this lease Agreement with this nonprofit group amounts to a fundamental transfer unto this property, which I question legally whether this City has a right to do under the Mary Schenley deed.

But, again I think there are important principles here. I think the public should have an opportunity to speak out on this issue, and I would resent the fact in the future after I'm off of this Council that some hastily approved construction projects such as parking garage or ripping out the front lawn of Phipps Conservatory were approved and allowed to happen without public review and debate, and ultimate approval by this or some future City Council.

Mr. Cohen:

Thank you Mr. President. The important principle I think that Councilman Ferlo is talking about is the principle that Council should be able to act unreasonably. I don't think that's an important principle myself.

I voted against this amendment the first time, along with Michelle Madoff and I'm going to vote against it today, and the reason is that I don't think that this -- let's understand especially for people who are watching here what this is all about.

What this is all about is a lease that was negotiated over two years of time -- although I agree that Council didn't have enough time to deliberate over it, that Council also deliberated over it and there's a phrase in that lease which also appears in the golf course lease and it also appears in the Aviary lease, which says "if the Phipps Conservatory, Inc. that group that is

putting this together that the City is leasing to wants to make any major alterations on the Phipps site they have to come to Council for their approval". That makes perfect sense. Council and the City should retain approval rights over that. But the phrase says "such approval cannot be unreasonably withheld," and the amendment is to delete that language.

Well, it doesn't make any significant legal difference whatsoever whether that language is in there or whether it's not in there. Because the truth is City Council will be able to make arguments one way or the other, and a court is very very very reluctant to ever overturn the legislative decision of a Democratically elected body. So, it makes virtually no legal difference.

Moreover it's in the golf course lease and the Aviary lease. Moreover, we're leasing it to a group that is putting up \$800,000. Boom, right there, they're going to put up \$800,000 to reconstruct the palm room of Phipps Conservatory, which is a room that is in desperate need of restoration, and they said that this is going to be a deal breaker.

Now, as I said I don't think this makes any legal difference one way or the other. But, they view it as a matter of good faith, and they're saying if we're going to put up \$800,000 now and hopefully millions of dollars over time that we're going to raise from corporate and foundation sources, then we want that phrase in there. I say we keep it in there to save this deal because it makes no legal difference anyway.

Michelle Madoff:

I applaud you, Mr. Cohen. I think you make a very valid logical argument. But, it goes beyond that as the pioneer and leader over these many years to have the Zoo, the Aviary and the Conservatory be separate and apart from the funding of the City other than what we agreed to.

To be nonprofit organizations.

We have two choices here and I want everybody to understand them very clearly. It is conceivable that if we do not turn these entities over to the private sector in the sense of a nonprofit agency -- as we have already started to do with the Zoo, and have done with the Aviary -- we could see this beautiful jewel that everyone refers to as the Phipps Conservatory go down the drain.

You cannot turn over an entity to a nonprofit group and then say, we don't want to do this, that or the other thing. In the first place if they're not a responsible group don't give it to them to begin with.

And, I think after two years of negotiating we determined this is a very responsible body that cares about the jewels of our City and wants to keep them viable. And, if they decide that they're going to make some changes, I bet that this Council is going to hardly endorse those changes, because they will probably in all likelihood be in the best interests of the public.

The burden on the taxpayers is in the millions of dollars. Millions of dollars that we desperately need for many other services for the City. One of which I would like to speak on immediately after we get to other subjects after our votes on the bills.

We are being responsible to save these entities by virtue of the action we're taking. It is just unfortunate that the leadership of this City did not move in this direction years before, and have those dollars available for the other necessities, and let's get on with transferring it, and get on with saving them.

Mr. O'Connor:

Believe me, I think I was the leader in the

five hour meeting we had negotiating this lease, and I don't want to easily give this away. I feel a lot of it is past practice from government probably going back years of mismanagement not running it correctly.

I didn't like giving the golf course away when I first came here. I wanted to market it and run it better. The powers to be -- where no one was supportive of that plan and when we leased it to a nonprofit it is run ten times better and everyone is very pleased with it.

I don't think we can face the taxpayers and ask them to continue pouring a million dollars into this. But even that is a small piece of the -- the big picture is the ability of the Phipps friends to go and raise anywhere from \$10 to \$20 million dollars and expand and make it a world class facility.

I don't think any government agency is going to dump \$10 or \$20 million dollars into that facility. That's why I was so concerned about putting a lot of tight language that City Council controls it.

As you remember my major concern was the front lawn. They had a master plan that came out halfway into Schenley Park, which I opposed, and I understand most of their Board now opposes, but we have it in the language that any construction in the front has to go through City Council approval, and it's on the record that they have no intention of doing that.

Any major alterations to that facility front, back or side or up has to be by City Council approval. The back parking lot which if the City moves its facilities out of there could be an asset not only to the facility but possibly the Oakland area for additional parking. It has to be done correctly. If it is done correctly it could be a money maker for them and us, because we collect 26 percent of all revenues going into any parking

facility.

And, last but not least we put in -- there were 99 years worth of options which the original bill and Council had no say in that. Council does have a say in the options. They cannot be approved without -- and we're talking for Councilmen for the future -- the year 50 that 25 year options and after 75 years those 25 year options have to have City Council approval.

I put all those in there, I think to protect the people. That's why I think this language -- it's in the other leases. As Councilman Cohen mentioned it should not be a deal breaker. It probably doesn't mean that much. Evidently, they need the wording. We put it in for all the other leases. I'd like to put it in and I hope this may be the end of our giving these assets away.

I think we should all, all the Directors and I include the zoo here Mr. Ferlo. I'm not for giving these things away either. It's much better run. We've pumped a lot of public money into the zoo already. This facility we haven't pumped any money into.

So, I think we owe it to the taxpayers to operate these places a lot better so that we don't have to give them away.

Mr. Smith:

To my learned colleagues who are arguing the law, I cannot argue that with you. What I can argue is if it makes no legal difference then why are they so adamant about having it in this lease. Because if it doesn't make a difference we wouldn't be here arguing about process, procedure nor seven words in this. I'm just a common man, and I'm scared of anyone who is so adamant to lobby for seven words that I'm giving up my review 29 years from now when this comes back up, that they may deem me saying yea or nay as unreasonable. If we have all of

these rights to review then why are they so adamant about the word unreasonable.

I fear that what they're going to do with us is that if we ever deny anything that they come to us with they will then say it was unreasonable to say no and challenge us.

I was not here when you gave away half the City. I would not have been in favor of giving anyone the right to refuse this body that's elected by the citizens to review and protect their interests. If it doesn't mean anything then let's leave it out, and it should not mean anything if I have been lobbied and told that it makes no legal difference.

Everyone keeps telling me that it's in the other leases. There's a lot of things that used to exist in law that when someone stood up to challenge them we changed the course of a nation. We let women become a part of our society, and we gave legal precedent for them to challenge it. How could you use the argument that it's in other leases. If it's wrong, if it takes away the powers of this Council then it's wrong.

So, the votes are here. I think that it's moot to continue to discuss this because you can count down the table how it's going, and that's fine if you want to give your powers. I plan on being here 29 years from now when the next lease comes up for review.

But, my problem is I cannot see why we are giving up our rights and yet they are continually saying it doesn't mean anything, but will not accept this lease without that in there. I'm just afraid of people who give me that two-sided argument.

Mr. Onorato:

Thank you, Mr. President. I'd like to make it clear to the people watching and to the

media in the room since they cover this issue. I was very very disappointed in last weeks vote after we made several amendments and all because of one amendment, which went seven, two in this room, and I remember even the two that voted against it, we were all discussing should we do it or shouldn't we do it.

The reason I'm disappointed is the reaction that took place. People ran to the media saying it was a deal breaker from the Administration's side. People from the group that want to buy Phipps ran to the media. Council's being ridiculous making amendments.

Well, let me tell you we are not ridiculous, and this amendment was very reasonable. If you recall we had a representative from the Mayor's office go to that microphone right there along with an attorney from our Law Department, not once did anyone in this room or any of my colleagues say that this phrase was in any other lease. Because we didn't know it. We forgot it. They didn't know it, they forgot it. That came up a day later and it came up with a reason, and the only the reason I'm supporting putting this back in is because it's in those other leases, the Aviary, the golf course and the ice skating rink.

The way they reacted last week and acted after that vote I was almost willing to say we shouldn't even give it to them. Because if this language is the deal breaker, then they don't deserve to have it. We have to work together. If they would have said we found it, it was in the other lease the next day. All they had to do was come over and say listen this is in other leases we should put it back in, and that's what we're doing today.

But, to sit here and then people make arguments and hear arguments in the press that there's been some strong arming, and that Council's being unreasonable and gutting this.

That is ridiculous. Every other amendment passed, every other amendment is staying in there, and we addressed the issues of the regional funding. We addressed the issue of Council control. This was drafted for two years without our input, and isn't it ironic without our input we have no control after two years of drafting.

It took one week of this Council to look at this piece of paper and say "what are you doing here giving this away and taking all the power away from the elected officials of the City except the Mayor's office." That is totally unacceptable, and we said it was unacceptable, and we voted unanimously on all those amendments. This amendment happened to come up because one individual from that body decided to say it's a deal breaker.

You know what I think happened. I think it was a personality battle. I think a couple of individuals didn't like certain other individuals so now it became I'm not going to budge you're not going to budge.

But, this body once again is going to step above that kind of fighting and do what's right for this City. Because it is important we spin these assets off. We can't afford it and sure they're going to put \$800,000 in, but we're giving them a facility for \$1.00 a year and we're giving them a commitment for capital improvements just like we did for the Aviary.

So, we're giving them a lot also. It's a public private partnership and this Council had a lot to do with protecting the citizens rights. Because we put in those amendments that gave this Council the power to review any major renovation and any expansion.

So, when I vote today to put that language back in, it's not because of pressure, it's not because of arm twisting, it's only for one reason, it's in every other lease and I think it's only right to

give everybody the same chance and the same wording in the lease.

I would also just like to make a comment about a comment that was made last week, "that Council hastily approved an amendment" came out, and when I read that it really frustrated me. Considering we had one week and they had two years, and our amendments were critical. The six or seven amendments that were passed over a one week period. I think that's pretty impressive considering we're also reviewing hundreds of bills weekly.

So, let me just say now that when this vote goes down I hope everyone realizes that it was seven, two last week. My guess is you might have one or two the other way, but to change that many votes here that should tell you something. It was because something was missed on both sides of the hall and also by that group. Because there wasn't one person that could even make this argument a week ago. So, I just want to make that clear.

Mr. Ferlo:

Just very quickly. I won't belabor the issue. I believe very strongly as Mr. Smith has eloquently stated that I think we're throwing caution to the wind in reconsidering this.

Secondly, in response to my colleague Mr. Onorato I think again I stressed the substantive difference in the nature of this property versus some of the other leases that may or may not have been approved by this body.

In the golf course situation the actual resolution, in fact, did not include the lease agreement. At least under this agreement the Phipps deal we were given a week and a half to actually review the wording of the lease agreement. When we actually started reviewing the actual worded lease agreement, and not the

general catch all resolution Council fortunately went through it and came up with eight or nine substantive amendments. One of which happens to be under dispute now.

We didn't have that in the golf course. In fact, I find it very interesting that in the subsequent actual lease agreement signed for the golf course lighting is now allowed in the golf course, and yet Mr. Cohen and others made such a big stink that the Rosenbloom Proposal was completely out of line. I believe that was one of Mr. Cohen's principle concerns that he articulated at the time, and yet the actual lease agreement signed between the Administration and CMU Gumberg is one that now has reintroduced the provision of lighting.

I'm not speaking for or against lighting. You know my view about the lighting in the Rosenbloom Proposal. I just find it interesting procedurally that we in fact did not critique and I think we should have -- that's reinforcing Mr. Smith's point that just because something may or may not have been done previously by this Council that automatically it sets a precedent and that's the way we have to conduct ourselves.

This has been a learning experience and a process for this legislative body. I didn't vote for some of those other proposals, because I think on those deals also we didn't spend enough time deliberating, and again on this issue I think there was substantive differences in terms of the nature of this property. The uniqueness in terms of the deed and the constraints that this municipality has to live under as the result of the Mary Schenley will versus the Aviary deal.

Secondly, we specifically had the lease agreement before us we offered amendments to this agreement and in fact, we incorporated the actual lease agreement into the Council resolution. We did not do that in the golf course.

Michelle Madoff:

I'm not going to be very long Mr. President and Members of Council, I predict that two years from now we're going to look back at this agreement and say, "isn't it wonderful that we saved the taxpayers millions of dollars and this is a jewel." These responsible people have really improved on the jewel, and I leave with the subject by saying that Mr. Ferlo is not wrong. None of the people that have spoken here today are wrong.

But, I think the person who really put their finger on the big issue was Attorney Dan Onorato. Dan, you're learning what I've know for 15 and a half years. One of the services that you offer when you get elected to City Council is scapegoating. The media needs a scapegoat and while this is the best Council that has ever happened to the City, the most responsible Council, we act responsibly even when we have our differences, and they've been some really big differences, we treat each other with respect. The meetings are conducted in a orderly fashion. Do you ever hear that or read that in the papers? Not on your life. Because it isn't going to sell newspapers, and I want to leave you with the thought again. Remember when anybody gets elected to City Council one of your services is to be a scapegoat. Remember that media.

The Chair:

Just finally, I'd like to clarify again. We're voting now only on the amendment. The amendment which we passed last week by a vote of seven, two to delete the words "which approval will not be unreasonably withheld". To put that back into the bill there needs to be five no votes on that vote, and in addition to that I'd like to say after I hope explaining that that this whole vote, and I believe everyone here is making a genuine attempt to make this agreement as good as possible.

But, public private partnerships have worked better in this City then any City in America. And, that's precisely what this is and I believe we're sending a message of confidence to the public private partnership. The ice skating rink has been a success. The Aviary has been a success. The golf course already has shown signs of being very successful. The Carnegie is probably the best public private partnership that exists in this region if not this country.

I believe we're sending a positive message to the people behind this. They are not going to own Phipps. They're volunteering their services and they're doing this City and this region a favor. This City needs help because we're financially strapped and we can't do it ourselves.

Michelle Madoff:

Mr. President, point of order. Would you explain to the public that a no vote doesn't mean no.

The Chair:

A no vote means that the amendment stays in the bill.

Roll call vote on the amendment in front of us.

The Chair:

Is there any discussion on the amendment?

And on the question, "Shall the amendment pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Ferlo
Mr. Smith

AYES 2

NOES 7

VOTING NO:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Michelle Madoff	Mr. Wagner
Mr. O'Connor	(Pres't)

And a majority of the votes of Council not being in the affirmative, the amendment was defeated.

The Chair:

The amendment is part of the bill. The amendment that was deleted last week is now part of the legislation, and now we need to vote finally on the bill in front of us. The entire agreement, and if there's no discussion roll call vote please.

Mr. Ferlo:

I'm voting no and I do want to say it's a procedural objection that I stated earlier.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi

Michelle Madoff
Mr. O'Connor

Mr. Smith
Mr. Wagner
(Pres't)

AYES 8

NOES 1

(MR. FERLO VOTING NO)

And a majority of the votes of Council
being in the affirmative, the bill passed finally.

The Chair:

Bill No. 2571 having received the legally
required number of votes has passed as amended
putting the deletion back into the bill.

REPORTS OF COMMITTEES

Mr. Cohen presented

Bill No. 2808

Report of the Committee on Finance for June 16,
1993 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2721

A Resolution entitled, "Resolution providing for
the lease or leases of certain property on the Sixth
Floor of 938 Penn Avenue from July 1, 1993 for a
term of 24 months, at a rental of \$3,591.50 per
month to house classroom and office space for
the Joint Jobs Initiative Single Point of Contact
(SPOC) Program and the Job Training
Partnership Act (JTPA) Program upon certain
terms and conditions, and providing for the
payment of the cost thereof."

Which was read.

Also,

Bill No. 2722

A Resolution entitled, "Resolution authorizing
the Mayor, the Director of Finance, and the
Director of Parks and Recreation to grant a
license or licenses to Three Rivers Charter
Service to enter upon and use various docking or
landing facilities along the Allegheny and
Monongahela Rivers, for the limited purposes of
access to, upon and from said land, as docking
locations for water taxi services to be utilized for
the benefit of the general public on a commercial
basis over and through the rivers within the City
limits."

Which was read.

Mr. Ferlo:

Mr. President and Members of Council,
on Bill 2722 this is the Three Rivers Charter
Service on the water river taxi which I certainly
support. I did question whether or not the liability
policy is of such nature to safeguard the City
assets in terms of the municipality being self
insured. I'm going to vote for this today, but I
would urge the Law Department to reconsider
and increase the amount of liability. It's right now
\$500,000 for a single occurrence and \$3 million -
I believe some of the accidents associated with
another event the Regatta was in excess of the
amount that we're now allowing into this
agreement.

Now, granted there's a difference in the
sporting event and the docking and unloading.
But, in approving this today I would ask that the
Law Department reconsider and raise those
liability amounts that we are requiring the Three
Rivers Service to secure.

The Chair:

I'd like my comments brought forward on
Bill 2722, please.

(REMARKS ON FOLLOWING PAGES)

(BEGINNING - MR. WAGNER'S COMMENTS ON BILL NO. 2722, WEDNESDAY,
JUNE 16, 1993)

Mr. Wagner:

Miss Swanson, they are presently operating under what agreement?

Ms. Swanson:

They have a month-to-month agreement with us.

Mr. Wagner:

Is it the same exact agreement as the one in front of us?

Ms. Swanson:

No, it isn't.

Mr. Wagner:

What is the difference?

Ms. Swanson.

For one thing the cost is minimal in the existing agreement and they are not -- it doesn't give them the right to put up signage or make permanent improvements.

Mr. Wagner:

Under this agreement how much would it cost them annually at those four locations?

Ms. Swanson:

It's a three-year agreement, the rate goes up annually. The first year it's \$5.00 per boat per stop then it goes up to \$10.00 in the second year and \$15.00 in the third year.

Mr. Wagner:

I see numbers in front of us of \$1300.00 the first year, \$2600.00 the second year and \$3900.00 the third year. Does the Gateway Clipper Fleet pay a similar fee for the docking at Three Rivers Stadium? Is there any other arrangement with any commercial operation other than the one in front of us?

Ms. Swanson:

Not at this point.

Mr. Wagner:

Why not?

Ms. Swanson:

The approach that we decided to take was to work with Three Rivers Charter Service first and then once that's in place and available as a model, we'll go back and deal with any other services that are operating or want to operate.

Mr. Wagner:

So anyone that is now docking to deliver passengers to Three Rivers Stadium, the Convention Center -- that's pretty tough-- but anywhere where there is a public dock, they in essence are doing it for nothing today?

Ms. Swanson:

Yes.

Mr. Wagner:

So this will become the standard by which is applied to others in the future.

Ms. Swanson:

That's correct.

Mr. Wagner:

I'm pleased to see something like this in front of us, I it's very important and I think it's important that we encourage companies to transport people along the rivers and I would hope that there will be others that come in front of Council.

What you're really saying is as other companies want to do this it will be a requirement for that approval to come in front of this body just as it's being done today. This is not a blanket given to the Administration for all public access points with different operators.

Ms. Swanson:

No. This only covers this operator and these four specific stops.

Mr. Wagner:

Are there any other approvals that this operator has to get besides the City such as the Fish Commission, the Corps. of Engineers?

Ms. Swanson:

Yes. They had to comply with all state and federal regulations and permit regulations and it has all been done.

Mr. Wagner:

I'm pleased we're doing this, thank you.

(END OF COMMENTS)

PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

Also,

Bill No. 2723

A Resolution entitled, "Resolution providing for conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, 'Second Class City Treasurer Sale and Collection Act', effective December 11, 1984."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Ricciardi
Mr. Darkins	Mr. Smith
Mr. Ferlo	Mr. Wagner
Mr. O'Connor	(Pres't)

AYES 7

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 2732

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Public Strategies, Inc., One Bigelow Square, Suite 616, Pittsburgh, PA 15219, in the amount of \$1,600.00 in payment for professional consulting services rendered to Councilman Eugene Ricciardi for the month of June, 1993."

---(SPONSORED BY MR. RICCIARDI)

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith

AYES 6

NOES 1

(MR. WAGNER VOTING NO)

And there being two-thirds of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2764

A Resolution entitled, "Resolution providing City Council to retain its own attorney."
---(SPONSORED BY MR. FERLO & MR. RICCIARDI)

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Ricciardi
Mr. Darkins	Mr. Smith
Mr. Ferlo	Mr. Wagner
Mr. O'Connor	(Pres't)

AYES 7

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Darkins presented

Bill No. 2809

Report of the Committee on Public Works for June 16, 1993 transmitting one ordinance and sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2653

An Ordinance entitled, "An Ordinance amending and supplementing the Pittsburgh Code, Title Six - Conduct, Article I, Chapter 601, Section 601.01 by providing the Director of the Department of Public Works the authority to create regulations controlling the posting of directional signage within the public right-of-way." (AS AMENDED IN COMMITTEE)

Which was read.

Mr. Darkins moved to amend Bill No. 2653 by substitution.

Mr. Cohen seconded the motion.

Mr. Ferlo:

Could we have clarification from Mike Perry. The bill that's before us is not the bill that we amended in Committee session.

Mr. Perry:

Yes it is.

Mr. Ferlo:

In Committee session we amended the bill to say that it has Council approval.

Mr. Perry:

No, we left that out. Today, we're going to add Council's approval. Today, we're adding after the word Council "for their approval and become effective after the posting and --

Mr. Ferlo:

There were two amendments offered last Wednesday in Committee session both of which were approved. They added the words "approval by City Council" in two sections of this paragraph. That was amended and passed.

Mr. Perry:

No. I don't think there was a vote on that. No sir.

Mr. Ferlo:

I made one of them and I believe Mr. Smith made the other one. They were both adding the phrase "and City Council approval". My amendment was at the end of the sentence where it said Public Works, and it said "and City Council approval". Mr. Smith's amendment was earlier on in the sentence on the Department is

authorized to assess fees pending approval by City Council.

Mr. Perry:

It's in there but if you recall you instructed me to get in touch with the Department of Public Works. We were supposed to get together and we were supposed to add the wording which we did right here.

Mr. Ferlo:

Okay, fine. What's the wording?

Mr. Perry:

The wording is after the words "City Council for their approval", and also add the words "and advertising", and delete the words "and approval by the Director of Public Works."

Mr. Cohen:

That's fine. Do we have that in writing Mr. Perry what you just said? Mr. President, I believe that that does make sense because it does say that it has to be submitted to City Council for their approval and then become effective after the posting and advertising by the Director.

So, we don't have a further approval by the Director. I think that's what Council would want.

WHICH MOTION PREVAILED.

The Chair:

Any other discussion on that bill?

I'd like to add I'm voting no on that bill and the reason why is it seems like there's a change every week on it, and I really want to know where the Department's going with this

piece of legislation pertaining to signage throughout the City of Pittsburgh. I think it's very important particularly as it relates to hospitals and emergency facilities, and what I know so far I'm really not in agreement with. Even though, I know they have to come back to Council, I simply don't like the direction they're going in.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen
Mr. Darkins
Mr. Ferlo
Michelle Madoff
Mr. O'Connor

Mr. Onorato
Mr. Ricciardi
Mr. Smith

AYES 8

NOES 1

(MR. WAGNER VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also, with a **NEGATIVE** recommendation,

Bill No. 2724

A Resolution entitled, "Resolution further amending Resolution No. 1296, effective January 1, 1992, entitled 'Resolution adopting and approving the 1992 Capital Budget and the 1992 Community Development Block Grant Program; and approving the 1992 through 1997 Capital Improvement Program;' by transferring

Code Account 3-01-40-0142-92, Greenways, Index Code 875963 in the amount of Fifty Thousand (\$50,000.00) Dollars from the Department of Finance to the Department of Public Works."

Which was read.

Also, with a **NEGATIVE** recommendation,

Bill No. 2725

A Resolution entitled, "Resolution providing for a Contract or Contracts, or the use of existing Contracts for the repair, maintenance and beautification of Greenways at various locations within the City of Pittsburgh and providing for the payment of the cost thereof."

Which was read.

Also, with a **NEGATIVE** recommendation,

Bill No. 2726

A Resolution entitled, "Resolution providing for a Contract or Contracts, or the use of existing Contracts for the repair, maintenance and beautification of Greenways at various locations within the City of Pittsburgh and providing for the payment of the cost thereof."

Which was read.

Mr. Ferlo:

On the three other bills regarding the greenway expenditure that was negatively recommended.

The Chair:

Yes.

Mr. Ferlo:

I was wondering what Mr. Darkins' pleasure is on this.

Mr. Darkins moved to recommit Bill No. 2724, Bill No. 2725 and Bill No. 2726.

Mr. Ferlo seconded the motion.

WHICH MOTION PREVAILED.

Also, with an affirmative recommendation,

Bill No. 2727

A Resolution entitled, "Resolution amending Resolution No. 1322, effective December 28, 1992, entitled: 'Providing for an Agreement or Agreements, or the use of existing Agreements, for the furnishing of professional services for the benefit of the residents of the City of Pittsburgh effective January 1, 1993 and providing for the payment of the cost which is not to exceed Five Hundred Fifty Thousand (\$550,000.00) Dollars, chargeable to and payable from Code Account 1676, Miscellaneous Services, Index Code 167606, Department of Public Works,' by increasing the total allocation by \$60,000.00."

Which was read.

Also,

Bill No. 2728

A Resolution entitled, "Resolution providing for an Agreement or Agreements, or the use of existing Agreements, for the furnishing of professional services for the benefit of the residents of the City of Pittsburgh effective January 1, 1993 and providing for the payment of the cost which is not to exceed One Hundred Fifty Thousand (\$150,000.00) Dollars,

chargeable to and payable from Code Account 3-01-35-0077-93-500-93-01, Neighborfair Pittsburgh, Inc., Index Code 611012, Department of Public Works."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Michelle Madoff	Mr. Wagner
Mr. O'Connor	(Pres't)

AYES 9 **NOES none**

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Ferlo presented

Bill No. 2810

Report of the Committee on Planning, Housing and Development for June 16, 1993 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2673

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire all of the City's right, title and interest, if any, in and to the publicly-owned property in the 18th Ward of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County, as Block 14-B Lot 323, under the Industrial Land Reserve Fund."

Which was read.

Also,

Bill No. 2674

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 18th Ward of the City of Pittsburgh owned by Clark Thomas Rigby and Ida M. Rigby, and designated as Block 14-B Lot 281 in the Deed Registry Office of Allegheny County, under the Industrial Land Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2675

A Resolution entitled, "Resolution approving execution of a Contract for Disposition by sale of Land by and between the Urban Redevelopment Authority of Pittsburgh and Henry R. and Harriet A. Coennen for the sale of properties in the City of Pittsburgh (PARKING)."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen
Mr. Ferlo
Michelle Madoff
Mr. O'Connor

Mr. Onorato
Mr. Ricciardi
Mr. Smith
Mr. Wagner
(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 2733

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to act as agent for the City of Pittsburgh to enter into Agreement of sale to acquire title in fee simple to certain lot or piece of ground in the 1st Ward of the City of Pittsburgh for public use ancillary to the construction and use of the public safety complex for streets, court house, jail, etc. and authorizing payment therefore and other necessary or incidental expenses relating thereto."

Which was read.

Mr. Ricciardi:

Colleagues on Bill 2733, which is giving the authority to the URA to purchase a piece property for the cost of \$60,000 in the Public Safety Complex. The bill is in the Committee of Planning, Housing and Development, however,

it was presented through the Committee of Engineering and Construction as a courtesy to the Administration.

Looking back over the dialogue between Councilman Christopher Smith and the Director, I think Christopher Smith brought up some good points. One was the cost of the property which was not properly defended by the Administration.

And, the other was I don't think the case was made by the Administration of the need of the property. I think Christopher Smith brought up some very good points. I've spoken to Mr. Ferlo and he's in agreement, I'd like to make a motion to recommit this bill.

Mr. Onorato seconded the motion.

WHICH MOTION PREVAILED.

Michelle Madoff presented

Bill No. 2811

Report of the Committee on Water for June 16, 1993 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2703

A Resolution entitled, "Resolution authorizing the Mayor and the Director of the Department of Water to Execute a Deed of Easement Granting Riverside Associates, Inc. the Right to Construct, Use, Maintain and Repair a Storm Water Sewer on Land Occupied by the City's Water Treatment Plant." (AS AMENDED IN COMMITTEE)

Which was read.

Michelle Madoff:

I would like this in the record, and that is the reason I'm making a statement. The Riverside Associates is not to be confused with the other project. Jack what's it called?

The Chair:

The Strip down by the Riverside.

Michelle Madoff:

When I saw Riverside initially I thought we were confusing the two. I want the public to understand this is not the same project.

This is a project that for almost five years I've been directly involved with. This is the Rick Stern project. I've been trying to get a curb cut so they could develop their own property. I'm hopeful that City people will be employed there. Although it is not the City.

And, I bring this up because I think it's important that people understand that this is an operator who was told, if you do this and thus, we'll give you a curb cut, and so the company does what they're supposed to do and then the City says no, no that's not enough. We want you to now do this, that and the other thing. They still didn't get their curb cut.

I was directly involved with the Port Authority and with Henry Nutbrown, trying to get projects done. They agreed to pay for everything. They had to buy a piece of property they didn't need.

Essentially, this has been criminal to have delayed and put these people through not only years of waiting and harassment, but the expenditures.

I want to give you an idea of what I'm talking about. If Mr. Stern called to Parks and Recreation, never got a return call. The only way a return call would be made and this role I played, I took no sides, no sides on whether the curb cut should be granted or not granted.

If they weren't going to grant it say no. If you're going to grant it say aye. But, don't keep somebody on the string for five years. And, the only role I played is that Mr. Stern couldn't get a call, I would call Jane Downing or someone in Planning or in Parks and Recreation, and conference the call because that was the only way he would ever get a return call.

And, I think that is criminal. I want my colleagues to be on guard against this kind of thing, because I will be winding up at the end of this year. This is such an injustice and I'm glad we're getting on with it today, and I hope that everybody will vote.

Mr. Smith:

On a positive note, I just want to thank everyone who forwarded the packet of information that addressed my concerns on this bill. It came in a timely manner. It was complete and I appreciate that we can work together in resolving questions by producing these packets in a timely fashion, and I will be voting affirmatively for this bill.

Mr. Ricciardi:

I believe Michelle Madoff has addressed some issues surrounding the entire development on site. However, the intent of this legislation is granting a developer an easement across City property at our Treatment Plant in order to lay a storm sewer.

The intent of the legislation is to protect the water intake line of the Pittsburgh Water and

Sewer Authority to continue to assure quality safe drinking portable water here in the City of

The agreement basically will remove up to 200 motorized boats along the Allegheny River bank and also take half of the storm sewage, and instead of dumping it up stream of our intake line is really dumping it down stream of the intake line, and the total expense would be by the developer and not the City of Pittsburgh or the Pittsburgh Water and Sewer Authority.

Mr. Ferlo:

Well as I stated in the Committee session I support this resolution. I think the Administration has done a good job here in negotiating the best deal regarding what obviously legally is the developers right ultimately to develop his property all be it outside the City of Pittsburgh.

But, as Mr. Ricciardi states this does safeguard the intake valve and the Water Treatment facility. However, Michelle does raise a good point in terms of the fact that this is an easement legislation, but it will facilitate I assume future development on the site. And, I would urge the Administration and the next Administration to continue working with O'Hara Township and Fox Chapel, because as development takes place at this proposed Riverside site we are talking about major problems associated with roadway and traffic accessibility on the Freeport Road as well as Fox Chapel Road.

It's a problem already that exists with St. Margaret's and the Water Works Mall and the theater and the other shops on the City side as well as up at the Fox Chapel Plaza. I think all of those problems are going to be greatly aggravated, and in the end I think it's going to become a less desirable shopping center area for people to want to frequent. Both City residents as

well as O'Hara Township, Fox Chapel and else where.

So, while approving this today, I think we got to realize that this is going to spur potential development and with that's going to come some real headaches, and I would hope that the Administration and the Planning Department begins to do whatever we need to do to maintain some cooperative planning process with this developer, the existing businesses across from Freeport Road, and the other two municipalities that I had mentioned. Otherwise this whole thing is going to go to hell.

Mr. Cohen:

Mr. President, I'd like my comments brought forward from last Wednesday on Bill No. 2703.

(REMARKS ON FOLLOWING PAGES)

(BEGINNING - MR. COHEN'S COMMENTS ON BILL NO. 2703, WEDNESDAY,
JUNE 16, 1993)

Mr. Cohen:

I also want to commend both the Law Department and the Water Department for challenging DER on this issue that is really important to the City's whole water supply and that's the intake valve, is it not Director for the water that all the city residents drink? At the same time I also want to commend you for the consent order and agreement on the issue of the contamination of the soil because that was worked out and we have to protect the residents of the City of Pittsburgh from potential contamination of the soil too for possible hazards there. The agreement that I just referred to was attached as Exhibit E to the settlement agreement and I asked the Director to provide me with all of the documents and I think that after reading this it occurred to me that I think these agreements ought to be linked together. We shouldn't be addressing one environmental issue without addressing the other one in order to be able to protect the health and welfare of city residents. So Director, I ran by you an amendment which I believe everybody has it, but it explicitly states that the authorization that this legislation gives is conditioned upon the execution of this consent order and agreement on the question of contaminated soil and the agreement as I said, although I'm not an expert but it seems strong to me in that it makes sure that proper actions are taken to protect residents from that contamination including things like monitoring wells, et cetera. So I would like to make a motion to amend this bill to make sure that it's conditional upon the execution of this contract too so the right hand and the left-hand can be working together.

Mr. Smith:

Second.

Mr. Ferlo:

Not all of us have a copy of this.

Ms. Conturo:

I expect that it is acceptable; that always was the intent. The reason that they were separate is that it was the obstruction permit that was being appealed and the City also has a right to appeal with respect to a consent order.

Mr. Ferlo:

I'm not sure I trust very much the individuals lobbying on the floor this morning and I don't want to get into names but I want to know, what does this amendment do?

Mr. Cohen:

This is mine so let me at least first explain it and then have the Director respond.

Mr. Ferlo:

There's a very well-known attorney who is lobbying on the floor who represents an interest across the roadway and that's his right to do that and I have no problem with this amendment so long as it's not in any way fulfilling some agenda of a developer across the street who has a long-standing feud with this developer, Mr. Stern.

Mr. Cohen:

My agenda is to do what is necessary to protect the health and welfare of our residents and as I read this and I suggest that you read this consent order too, it specifically says that there is contaminated soil on that property and what the settlement agreement does as the Solicitor said is reduce the number of slips on the Allegheny River and also provides for an easement to take ground water from above the intake valve to below the intake valve but there are many, many other things that would need to be done for the contamination of the soil. Both the Law Department has worked very hard and the Water Department to make sure that the rights of the residents are protected but these two should work together and what the amendment says is that our authorization on this issue is conditioned upon the execution of the agreement on the other issue, both of which are important environmental issues. By the way, the property owner, we have contacted the property owner and read the amendments to him and he is in support of it as well and that was this morning.

(END OF COMMENTS)

PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Ferlo	Mr. Ricciardi
Michelle Madoff	Mr. Smith
Mr. O'Connor	Mr. Wagner (Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Ricciardi presented

Bill No. 2812

Report of the Committee on Engineering and Construction for June 16, 1993 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2734

A Resolution entitled, "Resolution authorizing the City to enter into Agreement or Agreements with the Port Authority of Allegheny County, Consolidated Rail Company, Equitable Gas Company, Dick Enterprises, Michael Baker, Jr., Inc. and A.J. Cindrich, Inc. to receive monies to administer and contract for necessary repairs to

the Brereton Street Retaining Wall and to discharge such parties from liability for damages."

Which was read.

Also,

Bill No. 2735

A Resolution entitled, "Resolution providing for an Agreement or Agreements, or use of existing Agreements, and/or a Contract or Contracts, or use of existing Contracts, for the Repairs to the Brereton Street Retaining Wall; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 2736

A Resolution entitled, "Resolution further amending Resolution No. 1348, effective January 1, 1993, as amended, entitled 'Adopting and approving the 1993 Capital Budget and the 1993 Community Development Block Grant Program; and approving the 1993 through 1998 Capital Improvement Program,' by amending the title of EC93-505, City-County Building Renovations, to read 'Trust Fund Transfer'."

Which was read.

Also,

Bill No. 2737

A Resolution entitled, "Resolution amending Resolution No. 586, effective June 18, 1991, entitled 'Providing for a Contract or Contracts, or use of existing Contracts, and/or Agreement or Agreements, or use of existing Agreements, for Renovations within the City-County Building,

including electrical services and switchgear; and providing for the payment of the cost thereof,' by increasing the total project allocation by \$450,000.00 from \$300,000.00 to \$750,000.00."

Which was read.

Mr. Cohen:

I'd like my comments brought forward on Bill 2737.

The Administration made a commitment in that bill for the funding to include making the elevators in the City-County Building handicapped accessible, and I'd like to make sure we keep them to that commitment.

(REMARKS ON FOLLOWING PAGES)

(BEGINNING - MR. COHEN'S COMMENTS ON BILL NO. 2737, WEDNESDAY,
JUNE 16, 1993)

Mr. Cohen:

Discussion, one item. Director, you may need to refer the General Service Department for this between now and Tuesday but do you know what the status is? Given that these four bills are on renovations to the City-County Building, what is the status to make the elevators handicapped accessible here in the City-County Building here.

Dir. Sciulli:

This is part of this.

Mr. Cohen:

I had a meeting recently on that and it looked like they were moving forward and I hadn't heard anything since then.

Dir. Sciulli:

This is part of it.

Mr. Cohen:

Do you know what the approximate time frame is on making the elevators handicapped accessible?

Dir. Sciulli:

No, I don't but I can't tell you that it's one of the items of agreement between the City and the County.

The Chair:

Has the County signed on to that?

Dir. Sciulli:

The agreement is being executed. I signed my portion of it last week so it's being executed now.

The Chair:

Can you let us know between now and Tuesday what the approximate time frame is on making the elevators in this building handicapped accessible?

Dir. Sciulli:

Yes.

The Chair: Thank you very much.

(END OF COMMENTS)

PREPARED BY: MARY ANNE HRUSKA
 STENOTYPE REPORTER

Also,

Bill No. 2738

A Resolution entitled, "Resolution further amending Resolution No. 1296, effective January 1, 1992, as amended, entitled 'Adopting and approving the 1992 Capital Budget and the 1992 Community Development Block Grant Program; and approving the 1992 through 1997 Capital Improvement Program,' by amending the title of EC 92-505, City-County Building Renovations, to read 'Trust Fund Transfer'."

Which was read.

Also,

Bill No. 2739

A Resolution entitled, "Resolution providing for a Cooperation Agreement or Agreements with Allegheny County to share equally in the costs of the Renovations and Maintenance to the City-County Building."

Which was read.

Also,

Bill No. 2740

A Resolution entitled, "Resolution providing for a Contract or Contracts, or use of existing Contracts, for Planting and Tree Replacement in Various Business Districts throughout the City; and providing for the payment of the cost thereof."

Which was read.

Mr. Ricciardi:

During our Committee session Councilman Christopher Smith asked for a

memorandum concerning Bill 2740, which would expend \$25,000 for tree replacements in business districts throughout the City. I reviewed the memorandum with Christopher Smith, and the memorandum does not address his concerns and/or his questions. So as a courtesy to our colleague I'd like to recommit Bill 2740.

Mr. Ferlo seconded the motion.

WHICH MOTION PREVAILED.

Also,

Bill No. 2741

A Resolution entitled, "Resolution amending Resolution No. 94, effective February 23, 1993, entitled: 'Providing for an Agreement or Agreements, or use of existing Agreements, and/or a Contract or Contracts, or use of existing Contracts, and providing for the purchase of equipment and materials in connection with the Rehabilitation of Existing Play Areas; and providing for the payment of the costs thereof,' by increasing the total project allocation by \$100,000.00, from \$544,000.00 to \$644,000.00."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen
Mr. Ferlo

Mr. Onorato
Mr. Ricciardi

Michelle Madoff
Mr. O'Connor

Mr. Smith
Mr. Wagner
(Pres't)

AYES 8

NOES none

And a majority of the votes of Council
being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

The Chair presents

No. 2817 Resolution appointing Janet Berkowitz, 1321 Beechwood Boulevard, Pittsburgh, Pennsylvania, 15217, as a member of the City of Pittsburgh Ethics Hearing Board for a term to expire June 15, 1995.

Which was read.

Michelle Madoff moved to have Janet Berkowitz come before Council.

Mr. O'Connor seconded the motion.

WHICH MOTION PREVAILED.

Michelle Madoff:

Mr. President, I'm going to look to Councilman Ferlo for guidance on this issue so don't leave. This is about the police and this will take five minutes.

You may have notice those of you who watch Channel 2 that there was a story reported, I believe it was also on Channel 11. Some woman claimed who lived in Broadhead Manor that two young men were shooting at her children through the window of Broadhead Manor. The police had gone out and seen the bullet holes in the windows. The windows were completely shattered with bullets.

I am not going to get into the police business of what was going on in that community. That was not my concern. Of course we're all concerned about anybody's welfare. But, what emerged from all this and my talking to the woman until 1:00 o'clock in the morning and to Commander McNeilly who is very supportive, and the officers who run the Housing Authority and Mr. Rhodes who was the former D.A. who is now administrating the Housing Authority police while Harvey Adams is recovery from surgery.

What I learned was the following and we need to share this with the public. There are approximately 30,000 people living in public housing in our HUD projects. The priorities for providing service to these communities runs something like this: The first priorities go to the Hill. The second St. Clair Village and Arlington Heights. The third North View Heights and Allegheny Dwelling. The fourth is Garfield and Homewood North and the fifth is Broadhead Manor.

There are 40 police officers in the Housing police. 40 to cover 30,000 people. Of that 40 a number of them are narcs. On a hot Saturday night two of the Housing officers were on passes. I cannot understand that. That is beyond any reasonable expectation. The City has not assigned community police as we promised to that community. There are still some officers just on overtime.

I just spoke to David Washington about a need for safe housing. Meaning if there's a problem we need some safe housing. I think they're called "Safe Houses". Where you can move somebody who is being shot at until you know what's going on. You can move the children into the "Safe House" and have them furnished and have utilities running. It's a place to put people safely until the problem can be worked out. The people who are shooting can be

arrested. If that's the case, and the problem's resolved.

That has to happen and I would ask Mr. Ferlo to please follow through if he would on that, and I will help him. But, more important I believe that if we don't do something and I repeat this again, bring in the National Guard. Do whatever we have to do if we don't have a sufficient number of police officers, and we don't.

We need our police officers all over the City and with 30,000 people who are really disadvantaged, living in horrendous situations, barely scratching out a living and being treated as throw away citizens, which is totally intolerable, unacceptable. It is a cancer that will grow into every community.

We have to do something about it and do it yesterday. I can't do anything. I don't know if that this Council can do anything. I think Mr. Ferlo who's very eloquent and very effective in researching may come up with some idea of what can be done. Perhaps, a follow through on what I've talked about.

But, I've had calls day and night at my house from people who are affected, and I'll tell you who has called me more than anybody else. The Housing police officers, our police officers to say I am absolutely right and I'm on the right track, and I predict that if we don't do something very quickly you're going to see the people in these housing projects marching on City Hall demanding protection that they're entitled to.

And, we have just closed our eyes and said these people aren't worth doing anything about. Pretend they're not there. Let them kill each other, and that is totally unacceptable to anybody who has any conscience who cares about anybody; and to have two police officers Saturday night when it was about 80 degrees out, people living without air conditioning, hundreds

and hundreds of children and two police officers patrolling all these housing projects, 30,000 human beings is totally unacceptable.

And, something has to happen. I will be meeting with Mr. Rhodes. I will meeting with someone else whose son was killed two years ago at Taylor Alderdice, and we're going to try to work with Mr. Ferlo on his youth program. We're going to try to raise some money for him, and try to see that positive alternatives happen. We hope that private industries and foundations get involved in mentorship programs. Also, we need to get involved in apprenticeship programs, get involved in funding training programs. The schools have agreed to open their doors 24 hours a day.

We've got to give positive alternatives to these kids. We've got to start thinking in terms of hope and jobs, and if we don't do something now this society is doomed; and we are not unique, we are not the only community, but I bet there is not another City that has two police officers on a Saturday night protecting 30,000 people, and do you know why they didn't get to Broadhead Manor, because there was a drive by shooting in one of the other housing projects. There was a knifing. There were 50 shootings going on in the other projects, and nobody cares.

Well, I care and I hope this Council cares. Because if we don't care they're going to come shooting at us, and it's time something happened. We have a responsibility, and when you go to this year's budget you better start thinking about effective police coverage.

I can't tell you how disturbed I am by what happened. I cannot even begin to tell you. I'm wondering if we ought to eliminate housing police. Whether we ought to take it on as part of our City obligation. I understand they give us \$250,000 a year for services, which is a joke. That wouldn't cover four or five police officers. It

is a very very very serious problem.

Mr. Ricciardi:

Just the same item that concerns the public safety of our housing communities, Mr. Wagner. Two housing communities, two neighborhoods are in District 3 and that is St. Clair Village and Arlington Heights, and the Housing Authority police are only to supplement the public safety aspect of our own police force. Our own police force are also responsible for those neighborhoods not just the housing police.

I know in District 3 that our Commander is very involved in our housing communities and he looks at the Housing Authority police as only supplementing his own force. I don't think that the message should go out that the housing communities throughout the City of Pittsburgh including the two that are in District 3 are only patrolled by the Housing police force. That's just wrong. They're also patrolled by the officers men and women in Zone 3 in Council District 3, a district that I represent.

Michelle raises some very good points, however, that we must make sure that our housing communities are treated as fairly and as professionally as we treat all other neighborhoods in the City of Pittsburgh, including my District 3.

But, I think we have to be very careful to make it known to all residents and to all police officials, including the Housing Authority and the Zone Commanders that those housing communities that some people call projects, but which I call neighborhoods are just as important as all other neighborhoods in my district. Because, I want make that all neighborhoods in my district are part of Pittsburgh's future. Thank you.

Michelle Madoff:

I'd like to comment if I may. Mr. Ricciardi you make a valid point. Unfortunately, the City police were not there. They are not there. They don't want to go in there. They're too busy doing other things. They're relying on the Housing Authority police, and two police officers covered all of these areas, including yours. And, thanks to Commander McNeilly and others that I spoke to that night. A police car went in to patrol the area because of the shooting.

This woman was hysterical and on the phone with me until about 1:00 o'clock in the morning. The issue is not this woman because I bet you could duplicate that story in all these housing projects and elsewhere in the City.

We are at war and somebody better start to understand that. We should arm our police the same as the drug pushers are armed, and we better start to do something about this problem and do it yesterday.

I think the greatest hope we have is the project that Mr. Ferlo has undertaken with his youth program, and we need to get it funded. I would encourage all corporations to support his program, because they are supporting themselves.

If we don't solve this problem the people who do business in the City will suffer as much as anyone else.

The Chair:

Councilwoman, would you like a report on that particular incident?

Michelle Madoff:

No. I have all that. As I was walking in here today I had a call from two police officers, saying you're right on the button, thank you.

You're right. You're correct with what you're talking about.

Mr. Ferlo:

On the same issue. On the one incident Michelle talked about I attended a meeting the other day, a pre board meeting with tenants. There was a representative from the community that Michelle talked about. I got a different version of the story. That interaction with the resident who spoke on behalf of the citizens from Broadhead, she indicated that the City police did arrive. The concern they had was that the police went to a particular apartment of the individual who called 911 and they thought that that was compromising and creating an unsafe situation for the individual who happened to call in about the shooting.

But, there is a Housing Authority Board meeting this week and I will convey the concerns of both Mr. Ricciardi and Michelle on this issue. But, again I want to stress that public Housing Authority residents should not be second class citizens in this City, and legally, morally or otherwise. Housing Authority police can only compliment and be ancillary service, as Mr. Ricciardi stated to the existing City police obligation. As much the same way as the Pitt police or some of the other private and/or publicly supported security personnel that we have.

So, we're always going to have this problem, and there a weakness still in the Administration's overall plan by not recognizing the need for enhanced community policing presence on the part of the City police force within public housing communities in a targeted fashion.

And, its got to be more than just the drug task force networking that exist between County police, City police and Housing Authority

Narcotics officers. In addition there are 90 lobby monitors and program monitors that work under the Housing Authority police that the board has agreed and the staff is working on a plan to increase their training and expertise in terms of being better security monitors in not only the high-rises but the other public housing communities.

Again, there's a lot that needs to be done. I think the board and the staff has worked to improve and create a better environment in terms of the efficiency and the activities of the Housing Authority police. I have witnessed over the last four years a better cooperative relationship between the City police and the Housing Authority police, which hasn't always existed in the past.

And, there have been an number of targeted grants received by the Housing Authority to beef up and add the Housing Authority patrol and police. But, Michelle is right there's still very much a problem, and it's something that's not just a problem of the Housing Authority. It's a City problem that we have to deal with.

Mr. Smith:

Basically, 30 percent of all of the public housing units are in District 6 and I challenge this Council to other than waiting for when there is an incident that garners the public's attention that we sit down and seriously consider using the monies, because \$250,000 that we collect in our return for services may very well be better spent in beefing up security to protect the residents.

But, it is this Council that has made a series of decisions over the years that without services, without programs, without our direction these incidences have been allowed to progress.

We must address that this year. We must

address it now, and I think that we need to quit being reactive to situations to which the media run to. We need to be proactive in the lives of the citizens in our various neighborhoods.

Mr. Onorato:

I'd like to have Mike request from Executive Director Dave Washington some of the stats that were thrown out today. I would like to have the actual number of police officers for the public housing communities. If it is true that they do prioritize where they go, and I'd also like to know what their cooperation is with the City police, and their plan to implement community policing.

We hear about the 90 neighborhoods, are they included? Are they included with City police or they included just with the Housing Authority police? I think that would be helpful if maybe he could come over and meet with Council.

Michelle Madoff:

I'd like to make a brief comment, Mr. President. I do want to tell you to close your eyes and think of your own kids and your own families -- two police officers were patrolling all the housing projects for 30,000 people. That is unconscionable.

Mr. Ferlo:

I just think we should clear on what we're saying and not go off the handle and create a false impression. I think it would be appropriate to follow up with Mr. Onorato that we have a specific post agenda meeting. I think there are a number of parties obviously that have been mentioned that should be invited. Also, Kellen McClenden whose a board member who has been very active working with the Housing Authority police and has shown a lot of

leadership. I'd like to invite him also, and the obvious cast of characters from the Housing Authority and City police in the respective zones that were mentioned.

But, I don't want any misinformation or wrong information to leave this room. I think we have a problem. There's a need for some additional information to come to this table. I think we should do it in a constructive fashion in a post agenda meeting.

Michelle Madoff:

May I suggest that we invite Commander McNeilly who I spoke to a half a dozen times, and Lieutenant McCullough, Frank Coppola and Manny Rhodes.

Mr. Ferlo:

I know all three of the gentlemen very well and then if there's no problem I will work with the Clerk on scheduling a post agenda with the fullest participation of Council members.

Mr. Onorato:

You can withdraw my request. I'll get my answers at the post agenda.

The Chair:

If it's in regard to that incident in Zone 4 the I would also suggest Commander O'Neill.

Michelle Madoff:

Commander McNeilly was the person I had worked with. But, anybody you can get would be wonderful. I don't think it's an issue of my district only.

The Chair:

Okay.

Mr. Ferlo:

We're going to have part of the agenda to deal with the issues that Mr. Onorato and Michelle raised around the coordination of the community oriented policing strategy, and to what extent does it include. A strategy involving the public housing communities. As well Mr. Smith's concern that has been raised regarding our appropriation and what is our financial commitment and level of support to assist the Housing Authority and policing activities.

Mr. Smith:

There was an audit done of the Housing Authority police. Read it folks. Three years ago this Council got a copy of it that said things are not adequate, that the police force is not there, and you have successively three years in a row not addressed the issue of a performance audit paid for by the City residents to an issue. Pay attention to the audits that come by. This is three years too late, to many lives, to many bullets.

I think that we are once again trying to shut the door after the horse is out. Let's do it as soon as possible.

Michelle Madoff:

It's also smoke in the air, because the Administration comes to us and says "I got a solution". We're going to put on some new narcs and we're putting on a few more police and we're told we increased the police.

If we increased them, why are there only two police officers on a hot Saturday night for 30,000 people?

The Chair:

Well, this is more than a simple issue. I think we do need a meeting. We have hired more police officers in this City in the last several months. They should be allocated to public housing and those neighborhoods, and I think we need to talk about the issue in much more detail.

Mr. Ferlo:

And, I also think as a follow up we should invite Mr. Colville to this meeting. There were public comments made by him regarding grand jury activities on his part regarding gang activity, and I think there are a number of other people to this discussion that we should have here.

I did read the document that Mr. Smith talked about. The performance audit, in fact, I was active in fighting with the previous Housing Authority on the ability to access information in the City Controller's office, but I will reproduce that document and make it available so we can go over the recommendations that Councilman Smith has mentioned.

Mr. Ricciardi:

A different issue. Yesterday, I received dozens of calls at the office telling me that a sign came up at the Oliver Bath House approximately at 3:00 o'clock saying closed to further notice.

As this body knows the Oliver Bath House is the only indoor regional swimming pool in the City of Pittsburgh and is not used just merely for recreation, but is well programmed. It's well programmed beginning at 9:00 a.m., beginning with our elderly, then it goes to a session which is the physical therapy session, and the third session is one for the physically challenged in the City of Pittsburgh.

A survey and account from last year shows that less than 30 percent of the constituents using the Oliver Bath House were from my

district. That means only one out of four people using that Oliver Bath House were from my district the other three out of the four were from surrounding neighborhoods, including the East End and the North Side. So, it's definitely a regional facility.

From the information I gathered the reason it was closed is that right now we're lacking 15 lifeguards in the City of Pittsburgh. It appears that there was some additional snow days added to the public school session and because of the swimming pools opening up a few days later some of our college applicants went off and got other jobs.

I question number one the priority of closing the Oliver Bath House in relationship to other facilities maybe cutting back on ours. But, I think the solution is clear and that is that we need an aggressive recruiting effort here by the Administration and hopefully by this body.

I've already contacted the University of Pittsburgh's Sports and Training Program who want to be part of this and might have some applicants. I'm just asking my colleagues if you would please contact the Department of Parks and Recreation and maybe gather some applications and distribute them in your neighborhood, through your neighborhood papers, because the Oliver Bath House was properly funded and should not be closed for further notice.

Please keep in mind it's a facility that is well programmed and not one just for recreation nature, and it's also one that's used by all constituents and taxpayers throughout the City of Pittsburgh, which the survey of last year showed. So, I'm just respectfully requesting you contact Reggie Young this afternoon.

Mr. O'Connor:

Concerning Mr. Ricciardi, I saw him on the news last night and I was very upset to learn that at 11:00 last night probably two or three days before we're supposed to open our pools. So, I called for a post agenda. We're trying to set the time tomorrow because these pools are supposed to be open this weekend. You know, we're really wasting our time, it took two years to hire a cop and now we can't even hire a lifeguard. I see a total breakdown in management here. Something has to be done, and I'll take it upon my department since I'm the Chairman --

Michelle Madoff:

A new Mayor.

Mr. O'Connor:

Well we can't until January. Like you said Michelle it was 80 degrees in the area you were talking about. The swimming pools aren't open, we're talking about opening schools, all the things we're sitting we want to fund. Mr. Smith said we're giving them money but we can't even seem to manage to hire people to open a pool that we've known was going to be open since last September.

So, I'd like to have a post agenda and I'm very concerned about management procedures in different departments, and I'll look into this department, and I think Mr. Onorato has to look into the safety thing. If this is going to be a total breakdown in management, what's going to happen in the next six months? If it's a lame duck Administration I would -- in fact, I'm going to see the Mayor this afternoon and request that she call all her directors and put a good kick in their butts and say hey, if you're going to keep your jobs for the next six months you better wake up and do your job. This is ridiculous.

And, I see tomorrow we're going to fund JTPA millions of dollars. We know these jobs are

here, we can't hire underprivileged kids. When I say kids I mean 18, 19 and 20 year old people looking for jobs. You mentioned it's \$6.00 an hour for a lifeguard. It doesn't sound like a lot, that's \$240.00 a week. That's not bad for the summer, and I think kids know how to swim and it would only take a couple of weeks to give them a training course in lifeguarding.

We may need some protection in a couple of pools. It came to my attention somebody said well I wouldn't work in some of those pools because of the safety. There a little incident in one or two. Well, if that's the problem then let's get a cop in there.

I mean we're doing all these things, we've painted and I want to congratulate Parks. They've painted and redone a lot of pools. It seems like we can spend money on fixing material things whether it be building, painting, fixing, but we're really missing the personal attention these things need. You can't have a pool without a lifeguard. You can't have a pool in some places maybe without a security guard.

Why fix up the housing area which you're talking about and spend millions of dollars on putting new windows in them. They look nice, they have new roofs, I've been through them, and we don't have any protection for the people that live there. I mean we know these are tough areas. So, I'm going to have a post agenda on this incident, because I'm very upset on why these pools couldn't have been opened earlier.

Now, the reason is we don't do it until school's out. We don't even open the pools until 1:00 o'clock anyhow. We were talking in Council at budget time about increasing pools in the morning to have swimming lessons for kids, keeping them open as late as possible open until dark. You're talking maybe 12 hours a day to open a pool and keep young people busy, and now we can't even open because we can't find

lifeguards. When I don't know what our unemployment rate is in the City, but it's very high, especially in the inner City.

So, I'm going to request that the Personnel Department be involved here. Again, I don't know if the people in charge of Parks are asking Personnel, because I don't know about other Council members, but we probably get about 20 calls a day for jobs. Everybody's looking for a job. At least offer them a lifeguard job. If they to pay more, they can pay more. But, I don't think you have to pay more. You work them overtime. Work the guards 12 hours a day to let them make \$300.00 a week. It's cheaper than opening jails and having kids in trouble. All the programs that we're talking about, we all support this youth commission.

But, whose kidding who we can talk about the youth commission for a year, and we can't even get 15 bodies to be on a committee. I really am concerned, and I call on the Mayor, and I hope she calls them all in and gives them a good kick in the butt today. Because this City needs it if we're going to be here for six more months.

Mr. Cohen:

Very briefly, I just want to state my support for Councilman Ricciardi on the Oliver Bath House and for Councilman O'Connor's post agenda meeting. It seems like we're lurching from problem to problem sometimes, and you know there is a comprehensive way that the City's supposed to work and that is that the Administration presents to City Council a budget. Remember they presented a budget for the year 1993, and that budget included money for lifeguards for the entire summer.

I don't know what the problem is but that's the way it's supposed to work, and for the Administration now to pull back on that budgetary commitment, I think is very serious,

and I just want to support my colleagues on their post agenda meeting.

The Chair:

I'd like to just comment briefly on the same issue. I also support Councilman Ricciardi to get the Oliver Bath House opened as quickly as possible. I'd like to clarify this for the public. Sometimes they think the Oliver Bath House is on the North Side near Oliver High School, it's on the South Side across the Tenth Street Bridge, and it is an excellent facility.

But, when it comes to hiring lifeguards we all have to look at who is responsible for hiring in this City and it's the Personnel Department. We had a serious problem in terms of a delay of hiring. We have two issues here that I think tie together to some degree. The lack of a number of sufficient police officers on the street due to a slow hiring process, and the same now with lifeguards.

I'm a proponent if it can't be done within the Personnel Department or the City department to contract out the hiring process. If the people in this City can't do the job and the Personnel Department is supposed to be a support service for all other City departments then we should go out to a Personnel Company to go out and hire the people necessary to put them to work.

At this meeting coming up I would suggest we do that. If they don't make a commitment to get the number of people hired and working in Oliver Bath House, in the all the City swimming pools, the Police Bureau or wherever, we should introduce a bill to contract out the hiring process and give the Administration another alternative by which to meet the needs of the citizens of Pittsburgh.

Mr. Onorato:

One final issue. I received a copy of a letter that went to the Mayor from Jacques Kahn and I know Councilman Wagner you received it about three or four days ago. We received copies of it, and in the letter briefly it just says that it's nice to talk about all of the police ideas for downtown, but currently it's not there and they need it. They're tired of hearing it and waiting. I ran into Jacques Kahn and I talked to him about this. I think what we have to do is to work with the Administration but put a time limit on it, and I'm going to ask that within two weeks we come up with some plan to get visibility downtown during the day through sunset or to seven o'clock, eight o'clock.

I'm going to ask that we do have this meeting and I realize that we have a lot of meetings, but we need the input of Council members of the Administration's side and we'll invite Jacques Kahn, whoever wants to be there to just address this issue and see what we can do, and let's do something within a two week period.

So, within two weeks we'll have a meeting to hopefully to implement within 14 days. Because, I think something has to happen. Downtown is critical. The summer's here, school's going to be letting out soon. We can't just say well we'll talk about it. Something should be effect within 14 days to show increased visibility downtown.

Mr. O'Connor:

I think we should ask Personnel Director Melanie Smith to be at this meeting, and I certainly agree with you, if we can't hire lifeguards or policemen we're in trouble, and if it has to take outsiders to do this -- I mean everybody from the Mayor down is appropriating the money, but we just can't -- it is not our job to hire these people but somebody better get it done and done on time.

The Chair:

On some of these issues there's no excuses. We should have beat police officers in downtown Pittsburgh. The officers have been hired. They should be on the streets. They should be visible from 10:00 a.m. until 2:00 a.m. As far as I'm concerned if you can't properly police downtown you can't properly police any part of this City.

Mr. Onorato:

Absolutely.

Michelle Madoff moved to approve the Minutes of Wednesday, May 19, 1993, Tuesday, May 25, 1993, Tuesday, June 1, 1993 and Tuesday, June 8, 1993.

Mr. Cohen seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Onorato**

Council adjourned.

MUNICIPAL RECORD

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Municipal Record

ONE-HUNDRED TWENTY-SEVENTH COUNCIL

JACK WAGNER President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON-WASLER Asst. City Clerk

Pittsburgh, PA
Tuesday, June 29, 1993

PRESENT:

MR. COHEN	MR. ONORATO
MR. DARKINS	MR. RICCIARDI
MR. FERLO	MR. SMITH
MICHELLE MADOFF	MR. WAGNER
MR. O'CONNOR	(Pres't)

The Meeting was opened by the recitation of the Pledge of Allegiance to the Flag of the United States of America, and a moment of silent prayer for peace throughout the world.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Ferlo presents

No. 2831 WHEREAS, the Arsenal Board of Trade which was established in 1905 will be hosting its 49th Fourth of July Celebration in Arsenal Park in Lawrenceville this year beginning at 12:00 Noon and ending with a Zambelli fireworks display; and

WHEREAS, each year during the Fourth of July Celebration, the Arsenal Board of Trade presents a community service award to deserving individuals who have made valuable contributions to the Lawrenceville community; and

WHEREAS, the co-recipients of this year's community service award are Jim Wudarczyk and Kenneth Fulton; and

WHEREAS, Jim Wudarczyk has been researching, writing and promoting the history of Lawrenceville since 1979, has co-authored a book about Lawrenceville, has had numerous articles about Lawrenceville published, and is working on at least two more books dealing with the history of Lawrenceville; and

WHEREAS, Jim Wudarczyk is one of the original founders and incorporators of the Lawrenceville Historical Society and is active in the Arsenal Board of Trade, the Civil War Round Table of Western Pennsylvania, the Pittsburgh History and Landmarks Foundation, and the

Western Pennsylvania Genealogical Society;
and

WHEREAS, Kenneth Fulton has been a lifelong resident of Lawrenceville, who graduated from St. Augustine Grade School, Central Catholic High School and the Allegheny County Police Academy, and who served on the choir of St. Augustine Church, as a Boardmember of the Lawrenceville Catholic Grade School Board, and as a Coach for the Ninth Ward Youth Association; and

WHEREAS, Kenneth Fulton has served with distinction and honor on the Allegheny County Police Force since 1973, earning numerous awards and was promoted to the rank of Inspector in October 1992 and is currently Commanding Officer of the Uniform Division of the Allegheny County Police.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Pittsburgh that the Arsenal Board of Trade is hereby honored and recognized for conducting 48 successful Fourth of July celebrations in Arsenal Park in Lawrenceville and that the Council of the City of Pittsburgh extends its best wishes for a successful 49th celebration of the Fourth of July in Lawrenceville and encourages all Pittsburghers to attend; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh hereby recognizes and honors Jim Wudarczyk and Kenneth Fulton, co-recipients of the Arsenal Board of Trade 1993 Community Service Award, for their dedication and commitment to the Lawrenceville community.

Mr. Ferlo moved to adopt the resolution.

Mr. Darkins seconded the motion.

Which motion prevailed.

Mr. Ferlo:

I'd like Bill Gross from the Teamsters Local to come forward, please.

Mr. Ferlo presents

No. 2839 WHEREAS, the citizens of the City of Pittsburgh have suffered serious economic and other hardships from the rising costs of health care; and

WHEREAS, Fisher Scientific, a leading distributor of medical equipment, instruments and laboratory supplies, earns huge profits from the medical community, a factor that has contributed to health care costs rising at a rate significantly higher than the rate of inflation; and

WHEREAS, despite their huge profits, Fisher Scientific demanded that their distribution plant employees in Springfield, New Jersey pay 450% more in the way of employee contributions for the health insurance premiums or go out on strike; and

WHEREAS, after rejecting a lower-cost alternative health insurance program presented by the International Brotherhood of Teamsters which would have saved the company \$600,000.00 over three (3) years, Fisher Scientific permanently replaced 77 long-service, experienced employees.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby encourages all City departments, authorities and agencies that buy medical and laboratory supplies to seek alternative sources to Fisher Scientific products wherever it is possible and in accordance with the law; and

BE IT FURTHER RESOLVED, that the

Council of the City of Pittsburgh directs the City Clerk to send a copy of this resolution to Fisher Scientific informing them that their action of permanently replacing long-term employees violates acceptable labor relations standards, and that the City of Pittsburgh will give preference to alternative suppliers until the Springfield, N.J. Distribution Plant employees are rehired and reinsured.

Mr. Ferlo moved to adopt the resolution.

Mr. Cohen seconded the motion.

Mr. Ferlo:

I'd like to just briefly state a couple of points. First of all, I think this resolution, while it may be somewhat unusual is somewhat consistent with the long-standing belief not only of this Council but of previous Councils and that is the sense of fair play and the sense of fairness.

I think there are two fundamental issues addressed in this resolution. One has to do with a problem that many working people face, and that is the whole issue of striker replacement. I think we can come to agree that over the last decade in particular under both the Regan and Bush years, we've had a disproportionate imbalance between corporations' rights and the rights of unions who are representing working people to bargain and try to wage a collective bargaining agreement and fairness. And, unfortunately, because of actions of the NLRB over the years, we have disproportionately burdened working people who are represented under collective bargaining agreement. And I think unfortunately over the last decade in particular, people who bargain in good faith find themselves up against a brick wall, thrown out of the work force, only to be replaced by new hires. And I think fundamentally that's hurting not only working people but downgrading the quality of life of people who deserve to work and earn a decent

living wage.

I think secondly an issue that's important is an issue of fairness, and we have spoken out many times in these Chambers on issues affecting working people here in this City, and that is asking employers to have a sense of fairness and fair play when they bargain and engage in collective bargaining negotiations with their bargaining unit.

So, on that basis, I would like to move the resolution.

The Chair:

I have difficulty voting for this resolution based on the fact that, number one, we don't know both sides of this issue. It's Springfield, New Jersey. Fisher Scientific is a Pittsburgh-based company. Approximately five years ago I went and met with their corporate executives and told them how important it was to keep this company in Pittsburgh. I still feel that way today. I'm not going to take sides in a labor dispute that's not even in the City of Pittsburgh and I don't believe this legislative body should be doing the same.

By us passing a resolution saying that we, as a City, should pursue purchases of products from other companies rather than Fisher Scientific, in my opinion, is sending the wrong message to a Pittsburgh-based company. Fisher Scientific does not have to be in the City of Pittsburgh. As a matter of fact, the President of the company lives in California. This company could very easily be relocated and I don't think this Council should become involved in labor disputes outside of the City of Pittsburgh.

For us to take a stand on difficult labor situations within the City of Pittsburgh where we know both sides of the issues and we know them well, occasionally we have to do that. And we

have done that. But I'm not prepared to do this with a labor dispute that's in another state.

Mr. Ferlo:

Just in response, Mr. President. I do respect your views. This Council over the last five years, and even long before I've been here, has consistently made supportive statements in a variety of disputes involving labor unions and their employers, be they Pittsburgh-based or, as you stated, a firm that also has a distribution plant in New Jersey. Only recently in the past we have put pressure on Armour, Con Agra Company, Braun Baking from the North Side. There have been a whole range of various companies, including our own City employees, where this Council has made statements both on the actual negotiations as well as issues that have come up when working people have actually been replaced under the striker replacement provisions and opportunities of major employers. And, again, I would offer the resolution in that spirit.

Michelle Madoff:

I really sympathize with the unions. I sympathize with those people who went out to justly try to see that they receive benefits that were fair, salaries that were fair. And I think we go back to the Air Traffic employees who were laid off and replaced. However, I think that the action by Mr. Ferlo is misdirected.

I don't know if my colleagues know that there is an effort right now in Washington at the federal level to prohibit the replacement of employees who are fired and replaced by scabs, I guess you call them. And I think that is where our efforts should be directed. In legislation being passed that stops this total unjust, unfair effort. But to single out a company, particularly one in our area, when jobs, you know people these days say "You won't have a job", I think it would be terrible to discourage another company when we

read today's paper about Alcoa and last week about another company laying people off. With the economy as bad as it is, I don't think this is the way we should proceed. I think we should be helpful but by directing our efforts towards Washington to pass legislation that doesn't permit this anywhere so that a company doesn't move to somewhere else where they won't be chastised and say, "Well, we shouldn't do business with them." That was the only reason I wouldn't support it.

Mr. Ferlo:

Just on that point, Mr. President, we are on record previously in support of several pieces of legislation in the House and the Senate involving striker replacement previously.

Michelle Madoff:

I agree. And I think that's the direction we should take and more vociferously and really put our efforts into that. But to single out a company that might move out of here and really remove jobs and the ripple effect of it, I don't think is the wisest course.

Mr. Cohen:

Mr. President, very briefly. I am not well enough informed on this issue to be able to vote. No one has come to me. The union hasn't come to me, and I have a good relationship with the union. Mr. Ferlo hasn't. I just haven't been briefed on it, so I don't feel like I'm in a position to be able to take a position on this issue. Period.

Mr. Ferlo:

Point of Order, Mr. President. With your permission and with Council's permission, if Mr. Gross could say a few words prior to the vote. Bill Gross from the Teamsters.

Mr. Gross:

Good morning. My name is Bill Gross and I'm with the Teamsters Local 250 and I'm certainly not going to go over every issue that's involved in this strike.

I can agree with Councilwoman Madoff that we certainly don't want to drive business out of this area, but the fact is, this company has not played fair with these workers. This company, the day before they were to go back in negotiations and possibly put these people back to work, without notice to the union hired permanent replacements before they went back to the bargaining table.

I understand this is not in the City of Pittsburgh, and I appreciate that. But the fact is, there are Teamster members in the City of Pittsburgh who work for Fisher Scientific. And the man who heads that union and the members who work there are just as much in favor of this resolution as I and the International are because we know if it happens in New Jersey, it can happen in St. Louis, it can happen in Pittsburgh.

What we are asking for is for this Council to support the fact that you have to treat working people fairly. And the only way that you can do that is to send a message to a company that no matter where you mistreat your workers in this country, we're going to stand up for them. That's all we've asked for from you.

Michelle Madoff:

I agree with everything you've said except that I think that you need a unilateral piece of legislation so that they move from here to somewhere else and the same rules apply. And I think that our efforts would be better structured to really put pressure on Washington to get that legislation through than to single out a company whether its here or in Timbuktu. I really feel very

strongly about that.

Mr. Gross:

Briefly in response, I don't think anyone has worked harder in Washington, D.C. than the International Brotherhood of Teamsters.

Michelle Madoff:

I understand that. But here's another example that we can really bring some pressure. Look at this. This is why you need to do it yesterday and start to put some pressure on our Legislators. You know, the art of education is repetition, unlike newspapers. They say we said it already.

Mr. Gross:

Just to finish, we certainly are in favor of that legislation and have a lot of people working hard in Washington. And we've worked hard in Western Pennsylvania for that.

The Teamsters aren't singling out Fisher Scientific across this country. We battle anyone who permanently replaces long term employees, whether they be locked out or strike or anything else. And the fact is, we've done the same thing with Diamond Walnut, not just in this country but across the ocean and everything else because they've done the same thing in the State of California.

The reason we ask for your help in this is that it means a lot more in the City of Pittsburgh to do this to Fisher Scientific for our working brothers and sisters than it does with Diamond Walnut or anything else.

I don't disagree with anything you've said about legislation about permanent replacement, but the fact it, if that law was passed tomorrow, it wouldn't help these brothers and sisters because

they've already been replaced.

Michelle Madoff:

My sense is that it isn't going to help anyway.

Mr. Ferlo:

I just want to say before you vote, if you have a family member who has worked at a company for 20 or 30 years and goes into collective bargaining negotiations in good faith and runs into a brick wall, I think all of you should think about an individual, a family member who would lose their livelihood and job after putting all their life's work into a company only to be told tomorrow, "Sorry, we hired a striker replacement." I don't think that's the way a corporation should be treating the workforce.

Michelle Madoff:

Jim, you know that we've had people who work for the City who are one week short of pension who have been fired. And that isn't fair either.

I would like to offer a friendly amendment. Let us revise this piece of legislation to say, "Because of what has happened, we encourage and we demand that the federal government immediately pass this legislation."

Mr. Ferlo:

I have no problem adding to the resolution. Your sense of concern around support of striker replacement legislation. I don't remember the Senate Bill. We have passed a previous resolution to that effect. I would consider that a friendly amendment.

Michelle Madoff:

I guess what I'm saying is to stay on that issue and pound on it instead of diluting it by really raising the hackles of people by saying we're going to single out a company. I don't think it accomplishes your end. I think it diffuses it and it really goes against the grain.

Mr. Onorato:

Mr. Gross, I do agree with you and I strongly support the Teamsters. My father was a Teamster and he also was an individual who lost his job after 27 years when the company moved out of Pittsburgh. So I'm very familiar with what businesses can do to individuals and how it can upset family lives.

However, on this particular resolution, if we can make an amendment and remove the wording of "we will give preference to alternative suppliers" because I think that could possibly hurt Fisher Scientific here and the jobs we have here.

What we should do, if it is a violation of the National Labor Relations Board, we should send a letter to them in support saying that this is a violation, something should be done, and we won't tolerate this. But to specifically point out one company and not give them preferential treatment or to exclude them from business with the City, I think sends a wrong message to businesses that do want to operate here and, once again, could create an environment where these companies pick up and move to different sections of the country. I have experienced that. I've seen them do it. And if we want to keep the good paying jobs, the union jobs here, we have to one, promote businesses. But, two, when they violate the Fair Labor Act, we have to make a statement. I have no problem doing that by doing it with the National Labor Relations Board, not through trying to say we're not going to buy your product.

Mr. Darkins:

Mr. President, I kind of want to join in on the echoes of Councilman Cohen. This is not just a regular resolution that comes before Council. Today this has some articulate things about it that I'm not informed and I don't know. I like to be intelligent when I make a vote on anything. So, I think I'm going to have to abstain on this today.

The Chair:

I'd just like to finally add, again, I'm voting no. I would ask my colleagues to consider not voting for this resolution. We do not know what's going on in Springfield, New Jersey, and I don't want to see this Council send the wrong message to a Pittsburgh-based company that does not have to be here.

I have been a mediator in a number of difficult labor issues in this town, whether it be the Pittsburgh Press to keep Teamsters, or even the billboard issue where I'm concerned about Teamsters continuing to work in this City. Or Con Agra, Armour, Braun Bakery Company, Clark Candy, and I can go on and on.

I don't believe this legislative body should be taking a stand on a labor management issue, particularly outside of this City. If anything, we should be mediators.

Mr. Ferlo:

Point of Order. I would suggest that we withdraw the resolution, the proposed proclamation, and I will re-introduce it next week. And, in the interim period, I will hear any views of individual Councilmembers regarding wording of any such resolution. That will also give the opportunities to Teamsters to communicate to you individually and discuss the issue further.

So, procedurally, I think you know my belief, I think we should vote in support of this resolution, but I do believe that there should be more discussion on it. I think the discussion today has been important and good, but I would propose that I re-introduce the resolution next week, which I will do, good, bad or indifferent, and in the week, that will provide an opportunity for individual Councilmembers to express their concerns to the Teamsters. And, also, if there is appropriate wording that individuals would like to suggest, we can revisit this issue next week.

Mr. O'Connor:

I'd like to second that, Jim. I think it's very wise. I think we all have family members and friends that are Teamsters and we certainly would not want to send a bad message to them or get in the middle of a labor conflict with a local company. And we certainly would like to work with you for next week.

Mr. Ferlo:

Thank you very much.

Mr. Ricciardi:

I'd like to ask Cynthia Griffin who is the HEC Director of School and Community Wellness Division, and Evelyn McMiller who is the community liaison to many neighborhoods in the City of Pittsburgh including one in my district which is Arlington Heights, to come forward.

Also, as a surprise, I would like to ask Councilman Duane A. Darkins to come up. As you know, Councilman Darkins, you're being honored and recognized this afternoon.

Mr. Ricciardi presents

No. 2832 WHEREAS, the Health

Education Center, HEC, an affiliate of Blue Cross of Western Pennsylvania and a member agency of the United Way, under the direction of Lois G. Michaels, President, is an acknowledged leader both locally and nationally in health education and promotion programs; and

WHEREAS, HEC implements vigorous educational campaigns to change health-related behavior and reduce the risk of disease along with programs that foster self-responsibility for health, particularly among low-income minority residents and the elderly; and

WHEREAS, in a single year, HEC had delivered programs on health promotion and disease prevention to as many as 50,000 County residents; and

WHEREAS, in an effort to decrease the disparities between the health of African-Americans and other Americans, HEC designed and implemented a program entitled "Partnership In Prevention: A Neighborhood Model Project" which teaches community residents to develop vigorous bodies, build personal health value systems, assume responsibility for their health, and understand the nature and consequences of poor health and ways to prevent disease and disability by focusing on nutrition, physical fitness, injury prevention, substance abuse, and all key elements in the promotion of health and wellness; and

WHEREAS, Partnerships In Prevention: A Neighborhood Model Project, under the direction of Cynthia E. Griffin, HEC's Director of School and Community Wellness Division, hired community liaisons such as Evelyn McMiller for Arlington Heights and Reginald Nelson for Fairywood to provide ongoing linkages between HEC and their respective communities; and

WHEREAS, agencies such as the Pittsburgh Housing Authority, Pittsburgh

Department of Parks and Recreation, Pittsburgh Public School System, Allegheny County Department of Health, and the United Way are committed to support this project; and

WHEREAS, Councilman Duane A. Darkins has demonstrated ongoing support for Partnerships In Prevention: A Neighborhood Model Project.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends the Health Education Center's Partnerships In Prevention: A Neighborhood Model Project for demonstrating the ability to positively change the lifestyle behavior of a deserving population.

Mr. Ricciardi moved to adopt the resolution.

Mr. O'Connor seconded the motion.

Which motion prevailed.

Mr. Ricciardi:

I'd like to ask Ms. Griffin to please come to the mike, and also tell of the success we've had in the Arlington Heights neighborhood.

Ms. Griffin:

Speaking on behalf of the Health Education Center and particularly those deserving people in the Arlington Heights and the Fairywood communities, whose participation has clearly indicated a change in lifestyle behavior. These persons are certainly deserving of a rich quality life.

We're very honored this afternoon to be representing Councilman Duane Darkins for his ongoing support in our initiatives. And I must also tell you that last year at about this time we were very honored to have Councilman Ricciardi

with us and he received an award as well.

Just keeping in mind that all populations of people have a moral and social imperative. It is our responsibility to provide those programs so that we can better ensure that persons are leading a life that is personally enriching, socially useful, economically rewarding, and spiritually fulfilling.

On behalf of the Health Education Center, we sincerely thank you.

Michelle Madoff:

It was interesting that you mentioned Lois Michaels as a Director of this program. Lois and her husband and I go back 30 years and Lois has been dedicated to the issue of illness prevention and prevention before people get sick. She's a wonderful dedicated public servant and she's outstanding in her field and I'm sorry she isn't here today to receive her plaque. But I do want to add my congratulations to her.

Mr. Ricciardi:

I think Cynthia really stated it quite properly. They really have a successful program and they've proven that you have to treat the entire person, physically, socially and spiritually, and I'm very proud that they have done a project in my area, the Arlington Heights community, and they're moving now onto Fairywood. And I know Councilman Darkins is being recognized this afternoon for his support of the program. So thank you very much.

At this time I would like to ask Commander William McMullen, our Community Relations Officer Nick Wagner, representatives of the Zone 3 Council, the President Carol Anthony, and others to please come forward, along with our winners from the essay contest and the poster contest that was

sponsored by the Zone 3 Council for the entire City of Pittsburgh.

Colleagues, this next resolution really shows that our young people are out there with good ideas and they're just asking for a chance to be heard.

I'd also like our colleague, Mr. Onorato, who chairs the Department of Public Safety, if he could please come forward. Mr. Onorato has been very involved in Public Safety issues and has been a leader and a person who has initiated community policing throughout the City of Pittsburgh.

Mr. Ricciardi presents

No. 2833 WHEREAS, the drug problem in the City of Pittsburgh has grown in recent years; and

WHEREAS, the age at which our children are exposed to the peer pressures to use drugs has dropped significantly during the past several years; and

WHEREAS, more and more of our elementary and middle school students are exposed to the drug problem in the movies and on television, in their neighborhoods, and even at home; and

WHEREAS, the Zone 3 Public Safety Council sponsored a "Just Say No" poster contest for students in grades kindergarten through 8 to reinforce the message against drugs and drug use; and

WHEREAS, the Zone 3 Public Safety Council awarded prizes of U.S. Savings Bonds to the poster contest winners on June 16, 1993 in recognition of their fine work.

NOW, THEREFORE, BE IT

RESOLVED, that the Council of the City of Pittsburgh hereby recognizes and commends Ryan Dalrymple, kindergarten, Concord Elementary School; Caitlin Hanzel, 1st grade, Grandview School; Danielle Proof, 2nd grade, Mifflin Elementary School; Laura Nickel, 3rd grade, Mifflin Elementary School; Samantha Jones, 4th grade, Beltzhoover Elementary School; Julia Joyce, 4th grade, Bon Air Elementary School; Tonya Scales, 5th grade, Mifflin Elementary School; David Meadows, 8-10 level, Spring Hill Elementary School; Godswil Ejoh, 6th grade, Reizenstein Middle School; Dana Mihalek, 7th grade, Prospect Middle School; and Tina Dulani, 8th grade, Reizenstein Middle School, for winning the Zone 3 Public Safety Council "Just Say No" poster contest.

Mr. Ricciardi moved to adopt the resolution.

Mr. Onorato seconded the motion.

Which motion prevailed.

Mr. Ricciardi presents

No. 2834 WHEREAS, the City of Pittsburgh has long maintained a reputation for safe streets and close-knit neighborhoods; and

WHEREAS, that reputation has recently been tarnished by a rash of drugs, guns and gang violence; and

WHEREAS, teenagers aged 14 through 18 are increasingly victimized by drugs, guns and gang violence either as participants or victims; and

WHEREAS, the Zone 3 Public Safety Council sponsored a City-wide essay contest for 9th, 10th, 11th and 12th grade students entitled, "Drugs, Guns and Gang Violence in Pittsburgh: Solutions From a Teenager's Point of View"; and

WHEREAS, the Zone 3 Public Safety Council awarded prizes of U.S. Savings Bonds to the essay contest winners on June 16, 1993 in recognition of their fine work.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby recognizes and commends Donnarae Shilling, 9th grade, Westinghouse High School; Tracy Amaker, 9th grade, Oliver High School; Tanecka James, 9th grade, Oliver High School; Amy Byrnes, 10th grade, Perry Traditional Academy; Sara Lynn Everitt, 10th grade, Canevin High School; Alicia Punjack, 10th grade, Carrick High School; Teraya White, 10th grade, Oliver High School; and Sukhpal Kaur, 11th grade, Schenley High School, for winning the Zone 3 Public Safety Council "Drugs, Guns and Gang Violence in Pittsburgh: Solutions From a Teenager's Point of View" essay contest.

Mr. Ricciardi moved to adopt the resolution.

Mr. Onorato seconded the motion.

Which motion prevailed.

Mr. Ricciardi:

At this time I would like to ask the Commander to come forward and say a few words followed by Nick Wagner.

Commander McMullen:

Members of City Council, honored guests, as the Zone Commander at Zone 3 Police Station and a representative of the Pittsburgh Police Department, I would like to thank the participants and the winners of the contest sponsored by the Zone 3 Public Safety Council.

If we're going to get a grip on the

problems that we have in the City of Pittsburgh nowadays, we're going to have to get the input of the people it affects the most, and that's the young people in this City.

I think that this contest gives them a way to channel their thoughts and their feelings into constructive means in which the Police Department and other members of the government can act upon them and maybe get a grip on the situation. Thank you.

Mr. Wagner:

I'm Nick Wagner. I'm an advisor for the Zone 3 Public Safety Council on the South Side and we involve 14 neighborhoods. We were wondering, with all the problems with the kids, we're always telling them what to do and what's the best thing to do. So, the Zone 3 Public Safety Council wanted to get feedback from the children.

I'd like to read to you one of the essays that was turned in. It is from Teraya White who is a 10th grader at Oliver High School.

"As a teenage African American young woman who lives in an African American neighborhood, I have witnessed and heard of daily atrocities that brutally attack our communities. I have heard of the numerous murders, the drive-by shootings, the attacks related to gangs and, of course, the drugs.

Nearly all crime committed in Pittsburgh is by teenagers. Needless to say, our children and communities are at risk. Everyone knows the problems; the question is, does anyone know the solutions.

As I stated earlier, I am an African American female who lives in an African American neighborhood. Therefore, I can only vouch my solutions to the African American

community because that is where my expertise lies.

My solutions are still those of a teenager. There are three ways in which solutions to our problems can and must be addressed. They are at home, school, and above all, in our communities.

The basis for my solution starts in the home. I believe that the family is where it all begins. Our homes and families are our central foundation. At home, teenagers should be reaffirmed that they are undoubtedly loved by their parents or guardian. They should be reminded on a daily basis that they are their own individual person with an individual personality. No one is like them. Values such as self-love, self-confidence, determination, pride, respect and love of one's neighbors, should also be instilled.

Home is where it starts and ends. Teenagers must feel a strong home support system in order to succeed and to feel confident about themselves. Our families are the most important people in our lives. Without them, we are nothing.

Schools are another factor in the life of a teenager. First of all, every teenager must be included in the academic process. Recently, young African American men have been ousted from the academic system. They have been told and shown that as African American males they are inferior to all groups of people. Schools have discriminated against African American males because of their dress, speech and residence. Our schools are places for excellence, not for limited resources or discrimination. Schools must reclaim their purpose.

The solution as far as our schools cannot be easily decided. I believe that in order for teenagers to excel in school, stereotypes must be abolished. Teachers, principals and

administrators must understand that a student cannot feel absolute or even slight comfort if he or she is faced with the possibility of being stereotyped. Stereotyping can immediately cause a student to conform to the standards of others and not the standards of themselves.

Secondly, I've noticed how our schools have turned from learning institutions to prisons. I understand that students who carry guns or threaten the lives of others should receive proper punishment. But now our focus is being drawn away. Now the focus is on the students who do not conform to the standards of the schools instead of those who acknowledge and live up to the standards. Schools are bombarded with metal detectors, the right of privacy is being violated, and the learning process is continuously disrupted.

The School Board must realize that schools will have its fights, drug dealers, gang members, and people who violate the school's codes. There is no logic in believing that every negative situation such as a student bringing a gun to school can be prevented. Unfortunately, nothing can be done to prevent or dissuade students from bringing guns to school or selling drugs to other students. As I mentioned, there are metal detectors but students always find a way to get past them.

What I see as possible solutions to the problems in our schools is to stop the stereotyping, focus on the purpose of school, and to learn how to deal with bad and yet continue to go on.

Also, principals must not allow students who endanger the lives of others back into the schools. Making this a practice is only contributing to our problem.

Now that I have dealt with the solutions on the homefront and at school, the missing

factor is our community. This is perhaps the most complex dilemma. Drugs will always be sold and used. Someone, no matter what age, race, color or religion, will always sell or use drugs. Drugs are invincible. We will always have a drug problem. Often drugs are sold on corners. That is where our communities come in. People must come together to get rid of the corner drug dealers. It cannot be left up to the police. Everyone in communities manifested by drug dealers know that the police do not always act in a way that is ethical or expected of them.

Gang violence is steadily killing the lives of many. The reality of all is that it's not just a problem facing African Americans in the ghetto. It is a problem facing all people in all places.

The resolution to gang violence must be left up to the gang bangers. We can continue to have programs that discourage teens from participating in gangs and encourage them to participate in productive activities such as investing in their future.

Adults must also continue to serve as positive role models.

The initial decision to stop gang violence is again that of the gang bangers. Drugs, guns and gang violence have plagued our City for too long. Now is the time for solutions.

Although I am only 15, I have seen and heard of the problems. By incorporating the possible solutions, I feel that Pittsburgh will gradually, but not immediately, become the City formerly represented which was close-knit communities and safe streets."

Speaker:

I'm Tina Dulani and I'd like to thank the Zone 3 contest and Public Safety Council for picking my poster and giving me a special award.

Mr. Onorato:

Let me end by saying, first of all, congratulations to all the participants. I see that there are a lot of individuals that couldn't make it today, so congratulations to them also.

I just want to say that this is one example of where the temptation out there for the young people out there is unbelievable. And every time that you say no to that temptation, you keep your dreams and hope alive because there are so many opportunities you can achieve by not getting involved with drugs and alcohol.

I'm just hoping that you keep the good work up and that the message that we heard today from the particular essay and the other essays that weren't read today, that you can promote that message in your neighborhoods and our neighborhoods and the entire City and outside the City, so that in the future and future generations won't have the problems that we're facing right now. Congratulations.

Mr. Ricciardi:

I just want to mention the essay that was read. The author is here, Teraya White. I think it was a very somber essay and it really touched home. And it shows the reason we really have to get the Youth Advocacy Commission off first base because we have many young people out there with solid ideas that are leaders in their communities and leaders among their own peer group. I think once again we have to send a letter to the Administration that their timetable is unacceptable.

We also have with us Carolyn Majeski and Tony Messeso who are also members and officers of Zone 3 Council.

Thank you, colleagues, and thank you,

everyone, for coming. Thank you very much.

At this time, I'd like to ask Mr. Bob O'Connor who Chairs the Department of Parks and Recreation and is very involved with out young people across the City if he could please join me for the next resolutions.

I'd like to ask David McGee and Kim Marie Shuttleworth if they could please come forward, and if their family members and friends could also join them.

Members of Council present

No. 2835 WHEREAS, the 1993 National Marbles Tournament for children ages 8 through 14 was held in Wildwood, New Jersey June 21 through June 24, 1993; and

WHEREAS, the marble-shooting boys and girls from the City of Pittsburgh have traditionally done well in the National Marbles Tournaments and have won at least six national titles since 1976; and

WHEREAS, Kim Marie Shuttleworth, 12, a South Side resident and 7th grade student at Prince of Peace School, in only her second year of organized tournament competition, placed 1st in the Allegheny County Marbles Tournament to win her second trip to the National Marbles Tournament; and

WHEREAS, Kim Marie Shuttleworth shot well in all of her preliminary matches and secured a place in the final match on Thursday, June 24th.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby congratulates Kim Marie Shuttleworth on 2nd Place in the 1993 National Marbles Tournament and wishes her well in upcoming marbles competition and all of her

future endeavors; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh declares Tuesday, June 29, 1993 as "Kim Marie Shuttleworth Day" in the City of Pittsburgh.

Mr. Ricciardi moved to adopt the resolution.

Mr. Ferlo seconded the motion.

Which motion prevailed.

Members of Council present

No. 2836 WHEREAS, the 1993 National Marbles Tournament for children ages 8 through 14 was held in Wildwood, New Jersey June 21 through June 24, 1993; and

WHEREAS, the marble-shooting boys and girls from the City of Pittsburgh have traditionally done well in the National Marbles Tournaments and have won at least six national titles since 1976; and

WHEREAS, David McGee, 14, a South Side resident and 10th grade student at Central Catholic High School, placed 1st in the Allegheny County Marbles Tournament to win his fourth trip to the National Marbles Tournament; and

WHEREAS, David McGee was in 8th place at the beginning of the tournament but shot his way to the championship match against an opponent from Walkersville, Maryland; and

WHEREAS, David McGee defeated his opponent 8 games to 2 in a best of 15 championship series; and

WHEREAS, David McGee was awarded a trophy, crown, plaque, and a \$2,000 scholarship.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby congratulates David McGee on being the 1993 National Marbles Tournament Champion and declares Tuesday, June 29, 1993 as "David McGee Day" in the City of Pittsburgh.

Mr. Ricciardi moved to adopt the resolution.

Mr. Ferlo seconded the motion.

Which motion prevailed.

Mr. Ricciardi:

Mr. Wagner, we have 1st and 2nd place on a national level.

The Chair:

Fantastic.

Mr. Ricciardi:

I'd like to take this opportunity to ask Kim if she'll say a few words, and then followed by David.

Ms. Shuttleworth:

First of all, we would like to thank our coaches, Walter Lease and Carol Simeon, for teaching us the skill of marbles.

Mr. McGee:

Next, we would like to thank our County Commissioners for sponsoring this event and making it possible for us to shoot in Wildwood.

Ms. Shuttlewood:

Finally, we would like to thank our Councilman, Gene Ricciardi, for giving us these

resolutions.

Mr. O'Connor:

Kim's trophy is here but David's was too big to bring in the car. So, we have one here. This is what they won.

I used to go to Wildwood every year for vacation and this is really a big national tournament that they have. It's a big event there. And I'm glad to see that the Penguins didn't do so well and the Pirates aren't too hot this summer, that we do have two champions in Pittsburgh.

So, congratulations and thanks for giving us the championship here in Pittsburgh.

Mr. Ricciardi:

I would just like to end by saying that these two young people had much support. They had support from their parents and their friends and some of the older kids in the neighborhood who showed them so tricks of the trade on St. Michael's Street. But also from a gentleman that is unable to be with us today because of an illness, and his name is Coach Walter Lease from the South Side, and he has been working with these young people from the South Side for over a decade. We'd really like to commend Mr. Walter Lease for all of his fine work in really helping young children in becoming very disciplined and dedicated to good principles, and that is one of sportsmanship and friendship throughout the City of Pittsburgh.

Thank you and congratulations.

Mr. Ricciardi presents

No. 2837 WHEREAS, Elder-Ado, Inc. has provided vital human services to South Pittsburgh communities since 1975; and

WHEREAS, Elder-Ado, Inc. has always depended upon the dedication, commitment and services of countless volunteers drawn from the communities it serves; and

WHEREAS, every program of Elder-Ado, Inc. benefits by the contribution of volunteers; and

WHEREAS, each volunteer plays an important and unique role in the total growth and vitality of the agency and the communities it serves.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby recognize and applaud the commitment and service of the many volunteers to Elder-Ado, Inc. and the communities it serves; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare Tuesday, June 29, 1993 as "Elder-Ado, Inc. Day" in the City of Pittsburgh.

Mr. Ricciardi moved to adopt the resolution.

Mr. Onorato seconded the motion.

Which motion prevailed.

Mr. Smith:

I'd like to ask Councilman Darkins to come up. And I'd like to ask Ray Edward Dequenue, Jr., Alice Woods, and Steven and Constance Komm who brought to my attention the resolution that I'm about to read.

Mr. Smith and Mr. Darkins present

No. 2838 WHEREAS, the Council of the City of Pittsburgh is in support of the national campaign to remove the statue of Albert Pike,

Chief Founder and Chief Judicial Officer of the Ku Klux Klan from Judiciary Square in Washington, D.C.; and

WHEREAS, in a free and democratic society, statues are erected to epitomize the life work of heroes who have struggled for causes of justice, equality, and parity; and

WHEREAS, a memorial statue dedicated to Albert Pike stands in Washington, D.C. on public grounds supported and maintained by public funds; and

WHEREAS, Albert Pike has been identified in historic literature of the day as the Founder and Chief Judiciary Officer of the Ku Klux Klan after the Civil War; and

WHEREAS, African Americans, Catholics, Jews and others, became victims of the terroristic exploits of the hooded empire of the Ku Klux Klan; and

WHEREAS, the statue of Albert Pike, which stands at Judiciary Square overlooking Hallowed Halls of Justice, is a cruel reminder to all Americans of past injustices, for its presence espouses racist beliefs and attitudes that are contrary to freedom, justice and the principles of this nation.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh urges the President and the United States Congress to remove the statue of Albert Pike, Grand Dragon of the Ku Klux Klan.

Mr. Smith moved to adopt the resolution.

Mr. Darkins seconded the motion.

Which motion prevailed.

Mr. Ferlo:

I wholeheartedly support this proclamation and I applaud both Councilmembers for introducing it.

In support of this resolution and all that it means, it's very important, I want to make it clear that in no way is my support of the resolution in any way recognition or support for Lyndon LaRouche or any of his followers. I just want to make that clear.

Michelle Madoff:

I knew nothing of this until I received the literature from Councilman Smith, and I was absolutely outraged and appalled. In this day and age to have a statue of a Ku Klux Klan member is outrageous. I understand it was built many years ago and only came to light because of needed repairs.

I don't think it's just enough to send a message that we'd like to support a group to take it down. I think we have to do a lot more than that. I would be happy even to march on that statue with a hatchet or a pick. Whatever you need. Let's all go get it.

Mr. Cohen:

I just want to echo my colleagues and say congratulations to Councilman Smith and Councilman Darkins for bringing this up. I also did not know this until Councilman Smith brought it to my attention. It's really hard to believe. I would like to know how this could happen and how a statue of such a person who espoused such horrible thoughts could possibly have been erected. But maybe you and I could talk about that later and you could explain it to me. But the truth is, it's got to be taken down.

The Chair:

Councilman, how long has the statue been there?

Mr. Smith:

It was built in the 1890's.

Mr. President, would it be appropriate for me to place a motion to send the appropriate copies to those concerned?

The Chair:

Mr. Perry will take care of it.

Mr. Cohen presented

No. 2818 An Ordinance supplementing the Pittsburgh Code, Title Four - Public Places and Property, Article XI - Parks, by adding new Chapter 480 - Playground Safety - and new Section 480.01, Playground Safety Assessment and Section 480.02, Comprehensive Playground Safety Program. ---**(SPONSORED BY MR. COHEN)**

Which was read and referred to the Committee on Parks and Recreation.

Mr. Cohen moved to suspend Rule 8 by providing for consideration of all the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. O'Connor seconded the motion.

Which motion prevailed.

Mr. Darkins presented

No. 2819 Resolution granting unto Douglass Forsythe, 310 Pinevue Drive,

Monroeville, PA 15146, his successors and assigns, the privilege and license to construct, maintain and use at his own cost and expense, two (2) door overhangs in the right-of-way of Pius Street in the 17th Ward, 3rd Council District of the City of Pittsburgh.

Which was read and referred to the Committee on Public Works.

Mr. Ferlo presented

No. 2820 Resolution authorizing and directing the Director of the Housing Authority of the City of Pittsburgh to submit to City Council no later than November 1, 1993 a Board approved plan outlining proposed use of the 1994 Community Development Block Grant funding which shall include, but not be limited to, restoring, upgrading or constructing new community based recreation facilities in larger public housing communities, and initiation of new programs targeting youth residing in ADP communities. ---**(SPONSORED BY MR. FERLO)**

Which was read and referred to the Committee on Planning, Housing and Development.

Mr. Ferlo moved to suspend Rule 8 by providing for consideration of all the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Darkins seconded the motion.

Which motion prevailed.

Also,

No. 2821 Resolution authorizing the URA to acquire properties in the 18th Ward of the City of Pittsburgh that have been certified as blighted by the Vacant Property Review

Committee and the Planning Commission of the City of Pittsburgh. These properties are being acquired for resale to the adjacent owner for use as a sideyard. Properties are located at 424 Bailey Avenue and 428 Kambach Way in the 18th Ward.

Also,

No. 2822 Resolution approving execution of a Contract by and between the URA and Richard A. Shiring for the sale of properties in the 18th Ward of the City of Pittsburgh that have been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh. These properties will be sold to the adjacent owner for use as a sideyard. Properties are located at 424 Bailey Avenue and 428 Kambach Way in the 18th Ward, Residential Land Reserve Fund, VPRC (Sideyard).

Which were read and referred to the Committee on Planning, Housing and Development.

Mr. O'Connor presented

No. 2823 An Ordinance directing the Allegheny County Board of Elections to place before the qualified voters of the City of Pittsburgh a referendum question which would amend Section 207 ("Deputy Mayor") and Section 305 ("Organization of Council") of the Home Rule Charter.

---(SPONSORED BY MR. O'CONNOR)

Which was read and referred to the Committee on Finance.

Mr. O'Connor moved to suspend Rule 8 by providing for consideration of all the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Onorato seconded the motion.

Which motion prevailed.

Mr. Ricciardi presented

No. 2824 Resolution granting unto Shine on Emporium, 30 South 14th Street, Pittsburgh, PA 15203, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, one double-faced business identification sign in the right-of-way of South 14th Street in the 17th Ward, 3rd Council District of the City of Pittsburgh.

---(SPONSORED BY MR. RICCIARDI)

Which was read and referred to the Committee on Public Works.

UNFINISHED BUSINESS

The Chair presents

No. 2787 Resolution appointing Reverend Louis F. Vallone, St. Peter Parish, 720 Arch Street, Pittsburgh, PA 15212, as a member of the City of Pittsburgh Human Relations Commission for a term to expire July, 1996. Reverend Vallone is succeeding Floyd Titus.

Which was read.

Mr. Onorato moved to approve the appointment.

Mr. Darkins seconded the motion.

The Chair:

Is there any discussion on the appointment?

And on the question, "Shall the appointment pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Michelle Madoff	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the appointment was approved.

REPORTS OF COMMITTEES

Mr. Cohen presented

Bill No. 2825

Report of the Committee on Finance for June 29, 1993 transmitting one ordinance and sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2756

A Resolution entitled, "Resolution providing for the issuance of a \$1,393.26 warrant in favor of Eric G. Kelly in settlement of claim for automobile damage."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Michelle Madoff	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2757

A Resolution entitled, "Resolution providing for an agreement or agreements with various agencies for job development and employment services in connection with the 1993 Neighborhood Employment Program and providing for the payment of the costs thereof."

Which was read.

Also,

Bill No. 2758

A Resolution entitled, "Resolution providing for an agreement or agreements with various agencies for job development and employment services and/or on-the-job training in connection with the 1993 Pittsburgh Partnership Employment Program and providing for the payment thereof."

Which was read.

Also,

Bill No. 2759

A Resolution entitled, "Resolution providing for the authorization to make all legitimate administrative expenditures necessary to implement the Pittsburgh Partnership Employment Program; providing for the periodic transfer of funds to reimburse for program administrative costs incurred, and providing for the periodic transfer of funds to be used for wages and fringe benefits for participants of the Pittsburgh Partnership Employment Program."

Which was read.

Michelle Madoff:

I'd like my comments brought forward on Bills 2757, 2758 and 2759.

Mr. O'Connor:

I'd like my remarks brought forward on those bills also.

Mr. Ferlo:

I'd like my remarks brought forward also.

(REMARKS ON FOLLOWING PAGES)

(COUNCILMEMBERS FERLO, MADOFF & O'CONNOR'S COMMENTS)
(Bill No. 2757 - Wednesday, 6/23/93)

Mr. Ferlo:

I raised this issue in the past about this allocation. I realize that it funds some very important activities; obviously, I support those activities wholeheartedly. I know in my own district the employment office has been very helpful and very instrumental in providing linkages to both employers and a lot of opportunities for people to be mainstreamed into job opportunities. I think it is a great program. If anything, I think we ought to find ways in the future to expand and be more creative.

I raised issues in the past about computerized operations in terms of linkages with the Office of Employment Security. I just wanted an update on that. And secondly, I have raised this in the past, in fact this past year I did allocate \$5,000.00 for Council support for a relocation of at least the Lawrenceville employment office to a more accessible location. But now, pending the ADA passage, I feel that all of these employment offices should be not only more visible, we have some of them that are not easily accessible, they are not accessible legally in terms of the ADA requirements, the one in Lawrenceville isn't, and more importantly, they are not accessible just in terms of they are not in key business districts or visible areas in the community where they are easily accessible. So not only physical accessibility, but also just the visibility of the offices.

I was wondering if you could address both the issues of the computerized aides as well as the issue of accessibility.

Ms. Smith:

Yes. In terms of the computerization, the resolution today does include approximately \$100,000.00 for the purchase of equipment, software, modems so that all the NEPs can be linked to each other and to us. I am not sure we are able to work out a linkage yet with OES or whether they are accepting --

Michelle Madoff:

Point of order. Let's not use alphabet soup for the public.

Ms. Smith:

Office of Employment Security.

Ms. McCafferty:

The Labor and Industry Department, Office of Employment

Security, has just released an information strategy plan for Pennsylvania, because across the state this is a very similar problem where it is hard to work with other agencies that are doing the same kind of work. They are going from a main frame system to a PC, person computer based system where they can actually give the software to the neighborhood employment project in the city.

Mr. Ferlo:

I will just cut it right here. I want to make sure that if we are going to embark -- and I am pleased now to see this commitment on the funds for the computerized operation -- that we don't lock ourselves into a system that is not compatible either now or in the immediate future with the Office of Employment Security. So whatever we are locked into, I want a commitment from you that it is going to be consistent or compatible with the other operations, be it in the Department of Labor, if something comes up there federally, or the state program in terms of Office of Employment Security, intracommunication between the seps, between the neighborhood employment offices and possibly even linkage to JTPA and the Downtown personnel office.

Ms. Smith:

You have our assurance absolutely on compatibility with us, because that is part of what we are linking them to us and us to them and among themselves. So that, we can assure you, because we control those systems. I don't know, we will have to check with the Department of Labor. I am not sure if they are far enough along to be able to tell us exactly what hardware and software they will be using.

Mr. Ferlo:

There is a higher degree of flexibility with the person computers as opposed to the main frame operation?

Ms. Smith:

It is much easier this way.

Mr. Ferlo:

Secondly on the issue of accessibility, I am specifically talking about Lawrenceville, I really don't want to fund them anymore for their present location. I think they need to move to a location in a business corridor someplace that is accessible, closer to the bus route, and I don't know where that is at. They had been looking at a couple locations, one on Penn Avenue I believe. And in funding this today I want to be given

some assurance that that place is going to moved. As well, I don't know each and every one of the other neighborhood employment offices, maybe some of the other Council members can speak to that, but I am just concern about this accessibility and visibility issue.

Where are we at with the Lawrenceville move? This has been planned for two years.

Mr. McCafferty:

The latest information we have, Jim, is two months ago they were looking at a site around 40th and Butler Street, and they were trying to determine how far up Butler Street they can move into Lawrenceville that will still be attractive to the population they are serving and people will feel comfortable coming to. I don't know that they have nailed that down.

Mr. Ferlo:

The last location I heard a week ago was near 37th and Penn. The question was an issue of potential conflict or some waiver that was needed because the person who happens to own the property is a volunteer member of one of the community organizations there.

But whatever needs to be resolved I hope gets resolved. Again, it is nothing to do with their present location. Obviously, they are a great landlord there, being St. Aug's, but I think they need to be in a more visible accessible location.

Do these offices have to meet the ADA requirements or not?

Ms. Smith:

Yes.

Mr. Ferlo:

To what extent are we in and out of compliance? Can you between now and next week give us a listing of each location and to what extent they meet or do not meet ADA requirements?

Ms. Smith:

Yes.

(Deleted text.)

Mr. O'Connor:

I think last year you did give us how many jobs you had and where they were from.

Ms. Smith:

I think we did it by zip code.

Ms. McCafferty:

By neighborhood, actually self-identified neighborhoods of the city's 88 communities.

Mr. O'Connor:

My question was if we put this computer system in -- and I am not a computer expert -- could it be available to schools; in other words, whether it be high school, colleges? I am shocked at the people that don't -- of course, maybe they don't have the cable TV -- that don't know where to even look for a city job, and there are jobs that come up so often.

Ms. McCafferty:

Probably the best option to respond to that is the Carnegie has a work place, their job center, which is excellent, and the software they use comes from the Department of Education. The Carnegie is actively seeking now to link those programs with places like the Neighborhood Employment Projects and community organizations. So if I am looking for where I can get financial aid to go college or what the average score is that I need to get admitted, I can actually find that information on a computer. They have an excellent data base for that kind of information.

Mr. O'Connor:

At any library?

Ms. McCafferty:

No, they do not have every library on line for that information.

Mr. O'Connor:

If I was a senior in high school looking for a job, would the information we have in our job centers be able to go to the library?

Ms. McCafferty:

Not now, but if we develop that connection.

Mr. O'Connor:

If we buy this equipment and somehow we have the ability and money, getting back to Mr. Ferlo's question, would you say, "Well, these computers can't do it"?

Ms. McCafferty:

They could do it.

Ms. Smith:

They could do it. In fact, part of what we expect them to do is be able to share specific job information across all the neighborhoods, and we are expecting -- sometimes they are sort of turf issues, a neighborhood that has a job, wants to be able to fill it, but we don't want to lose that job, so we do want them to share that information and have that available at all 10 or 11 locations.

Mr. O'Connor:

If we wanted to set one up, say, as Mr. Ferlo said in Lawrenceville, maybe it is not in the right location, could it be in another? If the location was moved, say, in Squirrel Hill JCC, is probably our center, could they tie into it if they wanted to? Everybody goes to that center.

Ms. Smith:

That is a Neighborhood Employment Center?

Mr. O'Connor:

No. If we wanted to create one. I am saying we might have to create more in different neighborhoods.

Ms. Smith:

It would be possible. I assume at some point we would hit a capacity situation.

Mr. O'Connor:

In other words, if an organization wanted to go out and buy a PC and say, "Can I tie in so I have all this information about jobs all over the city"?

Ms. McCafferty:

If we wanted to do that, we would only be limited by needing another personal computer and the appropriated linkages.

Michelle Madoff:

And dollars.

Ms. McCafferty:

The resources to buy those things, that's right.

Mr. O'Connor:

What we are buying we can expand?

Ms. Smith:

Yes.

(Deleted text.)

Michelle Madoff:

Mr. Chairman, I would like to address all three bills, so when you get to the next bills --

(END OF REMARKS.)

(Transcribed by Helen L. Kriebel, Stenotype Reporter.)

(COUNCILMEMBERS FERLO, MADOFF & O'CONNOR'S COMMENTS)
(Bills No. 2758 & 2759 - Wednesday, 6/23/93)

Michelle Madoff:

Melanie, are we eligible for any dollars from Strategy 21 for this program and have you tried to get some?

Ms. Smith:

Without knowing what all the funding sources Strategy 21 could include, I am not sure.

Michelle Madoff:

I have some real concerns. We have bills coming up where millions of dollars are going to other entities, and while there may be some guidelines, whether it is structural or ongoing operational costs, it seems to me that there is nothing more serious in this community than providing employment, it is linked to drugs, crime, youth, gangs, everything.

That leads me to two questions: One, will you check out and find out whether we can get some substantive dollars instead of this Mickey Mouse money for your program, and look at it for Strategy 21. Secondly, for example, I would like to see the schools -- which Barbara Burns has promised to keep open and provide heat and electricity for 24 hours -- use some moneys to start training our youth in interesting programs, give them a place to get off the streets, computers, computer games, anything to get their interests, tie in with the kind of work you are doing with mentoring programs and apprentice programs with corporations, maybe they go in three or four times a year. This is the kind of thing I would be interested in perhaps plugging in some way and helping.

But more importantly right now, on the two bills that you have coming up, what are the kinds of jobs? You talked about and I know the one in West End is doing a phenomenal job and has placed a large number of people right in the community, and you know I am a strong supporter of what you are doing; you have made a devotee out of me. However, you know, you can only do so much, you don't have a magic wand. I would like to try to get you a magic wand.

Ms. Smith:

In terms of the kinds of jobs, it is all over the ballpark; account clerks, cabinet makers, chemical handlers, dry wall finishers, production workers.

Michelle Madoff:

What about police? Are they capable to be trained to be

police officers?

Ms. Smith:

The city does its own training of police officers.

Michelle Madoff:

Can some of these people be eligible for the program?

Ms. Smith:

If they would apply for Civil Service exam and get on the list, yes.

Michelle Madoff:

Do you tell your satellites and offices that is an area they might look at?

Ms. Smith:

Yes. We use them as one of our Civil Service recruitment sources, also. In fact, we even make applications and recruitment announcements available to some of those jobs.

Michelle Madoff:

Yesterday I talked about two police officers being on duty last Saturday night to cover 30,000 people in the housing projects. There are not sufficient police in the Housing Authority.

The Chair:

Please stay on the bill.

Michelle Madoff:

I am. I am saying can some of these dollars be used to recruit and train these people? That was my question, it is on the bill.

Ms. Smith:

These funds are for on-the-job training with private sector employers.

Michelle Madoff:

I understand that.

Ms. Smith:

The city already funds the Police Training Academy and anyone who can qualify for the training program gets free training.

Michelle Madoff:

I am making the point that maybe that could be something where you could tie in in some way with the city. I wouldn't call it a private/public partnership, but it would be an interdepartmental kind of coordination, because we have a tremendous shortage and perhaps some of the dollars and funding if we get larger dollars, you can't do it with the kind of money you have. But there are some serious problems here and we should all be thinking about the same problem, not you are doing your thing in the community and police are doing their thing and the city is doing its thing. It has to be a coordinated effort. I just want you to start thinking in a larger scale, some Strategy 21 money, and how maybe you could plug in very succinctly even part of your recruiting saying one of the jobs could be housing police, could be some of the satellite jobs in the Police Department, 911, et cetera.

I have sort of asked my questions, but when we get to some of the other things you will know where I am coming from when we talk about giving \$6 million to the Andy Warhol Museum and the latest news is that nobody wants to buy them, the value has dropped. I am sort of curious, do we give \$6 million to the Andy Warhol Museum from Strategy 21 or do we give \$6 million more to you? Do you see where I am coming from?

Ms. Smith:

Yes.

(Deleted text.)

Michelle Madoff:

What about expanding the concept of what I talked to you about; trade schools? Could we use you as a conduit to get some Strategy 21 moneys when you screen and qualify through your satellites, find people that need to go to a trade school and let the trade schools train them while we pay for the training?

Ms. Smith:

I am not really able to answer your questions on the use of --

Michelle Madoff:

I am just giving you something to think about.

Ms. Smith:

We use JTPA dollars through what we call less than class size training, so that if an individual wants to go to school A, Connelley -- actually, we buy whole classes at Connelley -- but if one person wants to go to Western Medical or ICM, we write a contract directly with them.

Depending on the limitations of Strategy 21 funds and how they may be used, I don't have a knowledge of that, so I really can't answer.

Michelle Madoff:

Forgetting Strategy 21 money, right now you do put people into training?

Ms. Smith:

Yes.

Michelle Madoff:

Do you have a program on literacy that is going anywhere?

Ms. McCafferty:

Actually we have several.

Ms. Smith:

I am not sure what "going anywhere" means.

Michelle Madoff:

Are they being effective?

Ms. Smith:

Yes.

Michelle Madoff:

Are you working with Judith Aaronson?

Ms. Smith:

Oh, yes.

Michelle Madoff:

I am planning to take a lot of my allocation of dollars and create, hopefully, a Mayor's Commission on Literacy, hoping the Mayor will pick it up.

Mr. O'Connor:

I will be brief. I think Michelle and Chris brought up some very good points. This is such a big budget and it comes to us in pieces that I don't know that we all understand it. Just like Michelle asked, if we need police in the housing areas -- well, I know later we will talk about life guards. There is a big pie here and there is so much involved money wise. I would like to maybe call a post agenda and ask Dave Keller maybe to work with you and take the total amount of money that is going into all these jobs, whether it be personnel, and how it breaks down. I looked at your flow chart this morning and only saw three or four names on it. I would like to see a whole breakdown of where it goes, in what direction, so when we have questions, whether it be that we need a life guard and we can't find one, who do we call? I don't know that the right arm is working with the left arm. Do you know what I am driving at?

Ms. Smith:

We certainly try to; whether we are doing it every single place, I am not sure. I think what would be very helpful and maybe Dave and could I sit down with you or your staff to try to figure out exactly what are the elements you would like to see. But the framework that we work in, by that I mean particularly the JTPA Act itself and all the regulations that flow from JTPA, all the regulations that flow from the SPOC Program, the Welfare Program, we are not allowed, for example, to take federal JTPA dollars and let the city stop maintaining its effort to train people. The federal dollars can't be used to replace other money. We are not allowed to write an OJT contract with a private employer if, in fact, they would have been sending their own money and now won't. We are supposed to do what is in addition to what is happening and create opportunities for particular segments of the population, rather than taking over the costs of programs that choose not to fund themselves from whatever source to the level they did before.

Mr. O'Connor:

Are the administration costs allowed to be shared? In other words, do we have different programs?

Ms. Smith:

Yes. When we write contracts with many of our

subcontractors, they, too, have administrative costs and we hold them to the same sort of limits that are imposed on us by the grant requirements and the regulation.

Mr. O'Connor:

Before next budget, I would like to see the whole pie here.

Ms. Smith:

I think it is a good idea.

Mr. O'Connor:

We all have to educate ourselves and maybe some of the citizens how to take better advantage of it.

Ms. Smith:

I think it would be helpful if we could talk about what kinds of information Council would like to see. At a post agenda, we are not sure what to anticipate.

Mr. O'Connor:

We will give you the information.

Ms. Smith:

Very good.

(END OF REMARKS.)

(Transcribed by Helen L. Kriebel, Stenotype Reporter.)

The Chair:

Is there any further discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Smith
Michelle Madoff	Mr. Wagner
Mr. O'Connor	(Pres't)

AYES 7 NOES none

(MR. RICCIARDI ABSTAINING)

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 2760

A Resolution entitled, "Resolution transferring the amount of \$1,000.00 from Code Account 1001-1 (100115), Miscellaneous Services, Supplies & Equipment, City Council (District 9) to Code Account 1838, (183806), Miscellaneous Services, Department of Parks and Recreation."
---(SPONSORED BY MR. DARKINS)

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Michelle Madoff	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2774

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of the Pittsburgh Hilton and Towers, in the amount of Nine Thousand Three Hundred Two Dollars and Four Cents (\$9,302.04), in payment for the Citiparks Senior Center Program Volunteer Recognition Gala, for the benefit of the City without previous authority of law, and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen Mr. Onorato
Mr. Darkins Mr. Ricciardi
Michelle Madoff Mr. Smith
Mr. O'Connor Mr. Wagner
 (Pres't)

AYES 8

NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2788

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Two Fiscal, Article IX Property Taxes, Chapter 261 Personal Property Tax, Section 261.07 Tax Payment and Collection, by changing the due dates for remittance of tax."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen Mr. Onorato
Mr. Darkins Mr. Ricciardi
Michelle Madoff Mr. Smith
Mr. O'Connor Mr. Wagner
 (Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Also,

Bill No. 2789

A Resolution entitled, "Resolution further amending Resolution No. 764 of 1992 as amended by Resolution No. 880 of 1992 and Resolution No. 1293 of 1992 entitled 'Providing for the filing of an application or applications by the City of Pittsburgh with the U.S. Department of Labor and/or Commonwealth of Pennsylvania for a grant or grants in connection with the Job Training Partnership Act; providing for the execution of grant contracts and for the filing of requisitions and other data providing for the appointment of the Private Industry Council and authorization for the Private Industry Council and the City of Pittsburgh to enter into agreements authorized by the Job Training Partnership Act, as amended; providing for required assurances; providing for the execution of payment vouchers and for certification of authorized signatures; providing for a contract or contracts with various agencies/employers for services and programs related to training and employment for the Job Training Partnership Act projects; and providing for the deposit of funds into a bank account' by increasing the amount available for subcontractor agreements by \$648,413.00."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Smith
Michelle Madoff	Mr. Wagner
Mr. O'Connor	(Pres't)

AYES 7 NOES none

(MR. RICCIARDI VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2797

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Paul DeRenzo, Esquire, 585 Two Chatham Center, Pittsburgh, PA 15219, in the amount of \$750.00 in payment for professional consulting services rendered to Councilman Jim Ferlo for the month of June, 1993." --(SPONSORED BY MR. FERLO)

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Michelle Madoff	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8

NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2807

A Resolution entitled, "Resolution transferring the amount of \$220,405.00 from Code Account No. 46, Judgments, Index Code 004606 to Code Account SPMTF, Swimming Pool Maintenance Trust Fund, Index Code 254334 in the Department of Parks and Recreation."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Michelle Madoff	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8

NOES none

And a majority of the votes of Council
being in the affirmative, the bill passed finally.

Mr. Darkins presented

Bill No. 2826

Report of the Committee on Public Works for
June 29, 1993 transmitting sundry resolutions to
Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2761

A Resolution entitled, "Resolution granting unto
Mary J.K. Burres, 112 Hackstown Street,
Pittsburgh, Pennsylvania 15203, her successors
and assigns, the privilege and license to
construct, maintain and use at her own cost and
expense, two (2) wooden over-hang decks over a
portion of her sidewalk in the right-of-way of
Hackstown Street in the 17th Ward, 3rd Council
District of the City of Pittsburgh."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass
finally?"

The ayes and noes were taken agreeably
to law, and were:

Ayes:

Mr. Cohen

Mr. Onorato

Mr. Darkins
Michelle Madoff
Mr. O'Connor

Mr. Ricciardi
Mr. Smith
Mr. Wagner
(Pres't)

AYES 8

NOES none

And a majority of the votes of Council
being in the affirmative, the bill passed finally.

Also,

Bill No. 2762

A Resolution entitled, "Resolution authorizing
the Mayor and the Director of the Department of
Public Works to execute an Amendment
Agreement with the Borough of Plum, the Plum
Borough Municipal Sewer Authority and the
Allegheny County Sanitary Authority
consenting to the assignment of Sewage Service
Amendment Agreement among the City, the
Allegheny County Sanitary Authority and Plum
Borough to the Plum Borough Municipal Sewer
Authority."

Which was read.

Mr. Ferlo:

I'd like to make a motion to recommit Bill
No. 2762.

Michelle Madoff seconded the motion.

WHICH MOTION PREVAILED.

Mr. Ferlo presented

Bill No. 2827

Report of the Committee on Planning, Housing
and Development for June 29, 1993 transmitting
one ordinance and sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2528

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article III, Chapter 921, Section 921.02, Zoning District Map No. 8, by changing from: 1. 'S' Special District to 'M1' Limited Industrial District all that certain property bounded by: Denlin Street; Hillgrove Avenue; a line parallel to and projecting 100 ft. southeasterly from the right-of-way line of Denlin Street and Lot No. 245, Block 36-M in the Allegheny County Block & Lot System, 20th Ward; 2. 'S' Special District and 'M1' Limited Industrial District to 'R2' Two-Family Residence District all that certain property bounded by: a line parallel to and projecting 100 ft. southeasterly from the right-of-way line of Denlin Street (as described above); Hillgrove Avenue; Tole Street and Lot No. 245, Block 36-M in the aforementioned System, 20th Ward."

Which was read.

Also,

Bill No. 2766

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application to the Pennsylvania Department of Community Affairs for a grant of Strategy 21 funds in the amount of \$6,000,000 for the Andy Warhol Museum."

Which was read.

Also,

Bill No. 2767

A Resolution entitled, "Resolution authorizing a Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh providing for the designation of \$14,000,000 in private investment in the Andy Warhol Museum as the local share for a grant applied for in an application for Strategy 21 funds filed with the Pennsylvania Department of Community Affairs."

Which was read.

Also,

Bill No. 2768

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application to the Pennsylvania Department of Community Affairs for a grant of Strategy 21 funds in the amount of \$1,000,000 for the Downtown Library Center."

Which was read.

Also,

Bill No. 2769

A Resolution entitled, "Resolution authorizing a Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh providing for the designation of \$4,500,000 in public and private investment in the Downtown Library Center as the local share for a grant applied for in an application for Strategy 21 funds filed with the Pennsylvania Department of Community Affairs."

Which was read.

Also,

Bill No. 2770

A Resolution entitled, "Resolution authorizing a 1993 Cooperation Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh providing for the transfer of funds from the Authority to the City to fund community development corporations."

Which was read.

Also,

Bill No. 2771

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Lawrenceville Development Corporation for the sale of Block 48S Lot 258 and Block 49N Lots 114 and 117 in the 6th Ward of the City of Pittsburgh (RESIDENTIAL CONSTRUCTION)."

Which was read.

Also,

Bill No. 2772

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Homewood-Brushton Revitalization & Development Corporation for the sale of Block 174L Lot 74 in the 13th Ward of the City of Pittsburgh (RESIDENTIAL CONSTRUCTION)."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Michelle Madoff	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. O'Connor presented

Bill No. 2828

Report of the Committee on Parks and Recreation for June 29, 1993 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2763

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Peabody High School for the Peabody High School Band Parents, for the furnishing of professional services for the benefit of the residents of the City of Pittsburgh. The total cost of the agreement shall not exceed \$1,000.00 and shall be chargeable to and payable from Code Account 1838 (183806), Miscellaneous Services, Department of Parks and Recreation."
--(SPONSORED BY MR. DARKINS)

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Michelle Madoff	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Onorato presented

Bill No. 2829

Report of the Committee on Public Safety for June 29, 1993 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2798

A Resolution entitled, "Resolution authorizing and directing the Chief of the Bureau of Building Inspection (BBI) to condemn and demolish the Stanton Heights Shopping Center in the 10th

Ward." --- (SPONSORED BY MR. FERLO)

Which was read.

Michelle Madoff:

On Bill 2798, referring to the demolition of the Stanton Heights Shopping Center which I heartily support, nevertheless, I requested information.

Mr. Perry, did you get that information on the dollars already spent in Stanton Heights, how the money will come back to the City, how the new landlord will be able to utilize the dollars we've already contributed to that project? It would be irresponsible for us to let this go unanswered.

There seems to be some confusion. Mr. Ferlo was not on this Council when we allocated those dollars, Mr. Perry, as you know, hundreds of thousands of dollars over and over again to try to save this development. What happened was that we never secured it; we just poured money into it.

I think it's imperative that the taxpayers know the kind of dollars that were spent and that the project went under so that we can look back and say let's not make the same mistakes again, and to know whether if the property remains, which I believe it will, in the hands of the owners, that what we've contributed to their well-being and how much we're entitled to get back and what the litigation, if any would be, and what is owed to the taxpayers of this community.

I don't want to stop the vote on this because it's imperative that we go ahead with it, but I think this Council is entitled to those questions being answered yesterday, and I requested them at Wednesday's meeting.

Mike, would you see that a letter goes

with the specifics, you can pick them up from the tape, of exactly what I've asked for.

And we have to set a deadline. Mr. President, what would the deadline be for an answer?

The Chair:

The end of this week.

Michelle Madoff:

And if we don't get an answer by the end of this week, what will we do with Public Safety to make sure that they give us answers? Will we stop taking their bills and say, "Oh well, they didn't answer us. So what?"

Actually, it would not be a Public Safety issue. It would come from URA who I believe is the source we need to get this information from, and from the Administration. Maybe we could hold up the Administration's bills until we get the answer. I'm sure that Mulu Birru will be very supportive and give us the information is somebody asks for it officially. And I'd like that answer tout de suite, before we go to budget hearings.

The Chair:

I believe we should have, and we will have that information by week's end.

Michelle Madoff:

Mr. President, were you here when we voted the allocation of dollars the second time for Stanton Heights?

The Chair:

Yes.

Michelle Madoff:

So you know what I'm talking about. And there was one before you got here.

The Chair:

Mr. Perry, if you could call him after the meeting.

Also,

Bill No. 2799

A Resolution entitled, "Resolution authorizing the Director, Department of Public Safety, to grant a reward from the Graffiti Trust Fund."
---(SPONSORED BY MR. FERLO)

Which was read.

Michelle Madoff:

I have been talking about support for Mr. Ferlo on the graffiti bill ad infinitum. As a matter of fact, way back in my environmental days and my first days on this Council, 15 years ago, I talked about the City being a pigsty and that it's dirty. It has come back to me that new people moving to the City are appalled at how filthy this City is, particularly the Downtown area and our business districts.

I would like a letter sent as an amendment to this bill to all the business associations, Shadyside, Squirrel Hill, Brookline, Beechview, North Side, asking them to please make a contribution to the Index Code 252411 so that we can have some money to offer and to advertise the fact that we have money to pay people who do lead us to those who are defacing our City. The kind of money we put in it is a joke.

If we really wanted to stop the real graffiti pigs, who incidentally I believe should be

cleaning the graffiti, they should be sentenced by the Judge to remove it with their tongues, maybe they'd understand what it really means.

I'm not joking. I think this is a horrible thing that happens in our City. It feeds on itself. The dirtier the city, the dirtier it gets. And there's no amount of dollars that is ever going to clean it up unless we stop it.

I would like to see that substantive dollars be contributed by those who care about their businesses. It costs them more to clean it up. Let's see that we have \$100,000 in this fund from private sector, not from taxpayer dollars, and let's offer some really substantive rewards. Obviously \$500 isn't enough to appeal to the greed of those who can turn in people who are defacing our City.

So, my amendment basically is to request from the entities, all the business district associations, that they support and make a contribution to the fund. It may not be appropriate to do it here, maybe it should be done in another way, but I've raised it six or seven times and nothing has happened. I don't think it's a very difficult thing for us to say this request, because of this bill, will be sent out to these people, and have Mike send it out. So I would make that as an amendment to this piece of legislation and I hope someone would support it.

The Chair:

An amendment must be in writing, first off, if we're going to amend a bill.

Michelle Madoff:

It doesn't have to be an amendment. It could be a will of Council, that we just make sure that everybody knows in the business communities that they need to contribute to this fund. I don't think it's a big issue.

The Chair:

Would you like to make such an amendment at the final part of the meeting?

Michelle Madoff:

Why don't we do it now since it's the bill, and just on this bill just alert the people that they should be making the contributions to the fund.

The Chair:

We are just voting on the bill now. We can make a motion in a moment or two.

Michelle Madoff:

Okay.

The Chair:

Is there any further discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Michelle Madoff	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Ricciardi presented

Bill No. 2830

Report of the Committee on Engineering and Construction for June 29, 1993 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2740

A Resolution entitled, "Resolution providing for a Contract or Contracts, or use of existing Contracts, for Planting and Tree Replacement in Various Business Districts throughout the City; and providing for the payment of the cost thereof."

Which was read.

Mr. Smith:

I'd like my comments brought forward and I will be voting against this, not because I feel that tree replacement is not necessary but because I feel that we are putting the money out there before -- From the memo that we got, we do not have a bonifide plan on which to spend this money on. And I just object to funding something before we know fully what we're funding and where it's going.

(REMARKS ON FOLLOWING PAGES)

(BEGINNING - MR. SMITH'S COMMENTS ON BILL NO. 2740, WEDNESDAY,
JUNE 23, 1993)

Mr. Smith:

Just a couple of quickies on this. You're asking us to set aside this amount of money but I don't know the process and procedures for areas to get involved, business districts, who needs to sponsor it and why we don't have a specific dollar amount and why we have -- I guess I asked a bunch of questions.

Mr. Reginella:

First of all we are not asking you to set aside a sum money, the sum of money has been already set aside in the capital budget. We are simply asking for permission to mobilize the funding if you will.

Specifically with regard to a specific amount, we're saying from \$25,000.00 to \$50,000.00, that is a consequence of legislation that was passed some years ago with Michelle's legislation, whereby we do not wish to advertise the amount of money available. At least that was the intent. Whether or not we accomplished that by giving a range is beside the point.

The process that we normally follow for establishing business districts is simply one of where the businesses in a given area approach the City and request the planting of trees and their location. This is done through the Department of City Planning and I understand at the present time the URA folks are also involved in this process. Beyond that I don't know what -- we have no specific size at this point because the size has not been selected.

We all love trees. My concern is now I actually have seen something that said that the East Liberty business strip is in line.

Mr. Ferlo:

There is a proposal to redo parts of Highland Avenue at Broad Street as has been lobbied for many years by the East Liberty Development Incorporated.

Mr. Smith:

There were three communities that were listed in the information that I received from -- I received a memo and I was interested in the process that got them there because I didn't see District 6 represented, I didn't see number of districts and I was wondering what the process was and how we put this out. I have no problem with furthering this but I just wanted to know

because every business district will now be approaching City Planning since the process is delineated for me.

(END OF COMMENTS)

PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

Mr. Onorato:

Mike, if you could just send a letter to Director Sciulli requesting that when and if we spend this money that we could have a detailed breakdown of where, what business districts, and how much.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Michelle Madoff	Mr. Wagner
Mr. O'Connor	(Pres't)

AYES 7 NOES 1

(MR. SMITH VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

MOTIONS AND RESOLUTIONS

Michelle Madoff:

I would like to reiterate that I would like a letter sent to all the business communities stressing the point that they're spending a fortune cleaning up their communities. It discourages business. I understand that one of our major in-city, I don't even want to mention the name, business districts is moving out towards Aspinwall, they're developing the riverfront, and

part of it is this horrible dirt and litter. And we've got to do something to stop it.

I'm asking them to make contributions to fund Index Code 252411 because it's cheaper. It's a tax deductible contribution to the City. It's cheaper than cleaning up their property, so that we can offer real reward money and that it is effective when we do this. I don't think there should be a big problem.

The Chair:

So this letter would be sent to whom and what would it say?

Michelle Madoff:

All the business associations. The Squirrel Hill Business Community, the Golden Triangle, the Brookline Business Association, the North Side. If anybody thinks I've missed one, make sure Mike has it so we just alert everybody. This is important.

The Chair:

And we're asking them to donate to this fund.

Michelle Madoff:

To make financial contributions to Index Code 252411, the Graffiti Trust Fund. And tell them it's a tax deductible contribution to try to turn the tide on the filth of this City and remove some of this graffiti.

Mr. Cohen seconded the motion.

The Chair:

I'm voting against it because I think we should put money in it rather than the business community.

Michelle Madoff:

I agree with you, Mr. President. I think we should put money in it. But it isn't enough. We want them to put money in it too. And it's only if they want to. If they don't want to, we're not twisting their arm. I think they will do it. I've talked to them.

The Chair:

All in favor? Opposed?

I'm opposed.

WHICH MOTION PREVAILED.

Michelle Madoff:

I would like to make a request from the President of Council to schedule a hearing on the JCC expansion. I've had a number of requests. I've talked to the representatives of the community and there's no objection.

And I would also like prior to setting the hearing that we get an opinion from the Law Department as to what input this Council would have legally and what is the status of how that JCC expansion is proceeding through the system. Nobody can seem to find out, not even the attorneys for the people in opposition. We don't know what the situation is. If they don't know and Council doesn't know, how do we know what goes on in our City? We may not even get to vote other than on the bridge.

And I would like to know what input, if any, this Council will have, when it will happen, and how far along the process has proceeded.

So, may I request that, Mike, as a letter from the Law Department to give this Council a status report and also to have the President

subsequently set a hearing at an appropriate time.

The Chair:

Can I ask a question here? Do we have any legislation coming to Council on that expansion? Or any property or zone change or whatever?

Michelle Madoff:

We don't know. That's what we're trying to find out.

Mr. O'Connor:

I think the letter to our Law Department should clarify that for us before we set a public hearing.

Michelle Madoff:

My understanding from our learned attorney and colleague, Mr. Cohen, is that there may be some area that we would be interested in.

Mr. Cohen:

My understanding is, and this is what has been told to me because I have not researched this issue, is that we would have participation on the bridge section of that proposed facility. There was a three hour meeting at St. Edmund's Academy in Squirrel Hill last night. Councilman O'Connor was there and we heard lots and lots of opinions on it. But my understanding, based on that meeting and meetings I've had prior, is that we would have to vote on the bridge.

Is that how you understand it, Councilman?

Mr. O'Connor:

The way it's in front of us now, there's no

variances and they're not breaking any code unless they would request the bridge. But so far nothing has been filed as far as building permits.

So, it may be a little early for us to set the public hearing but I think it may in due time require that.

The Chair:

Let's get the information and then determine if we need a public hearing.

Michelle Madoff:

The point I'm making, Mr. President, is one you've made repeatedly, and that is that don't you think this Council ought to know what's going on in the City, even if it goes to the process of Planning and Zoning and it's an after the fact issue? Don't you think we should know what's going on up front?

The Chair:

Yes.

Mr. Perry, we will request that information within ten days.

Michelle Madoff:

One more item. I want to read a letter into the record and have it discussed. This is a letter from me, June 21st, to Reginald Young, Director, Parks and Recreation. The subject is Grandview Avenue Park hours.

"Dear Director:

On Thursday, June 17, 1993, I met with residents of Grandview Avenue in regards to their problems (my office representative, Bill Urbanic met with them) with youth loitering on the park side of Grandview Avenue.

The best way to describe the problem is to picture a beachside road in Ft. Lauderdale or Atlantic City. A sea of scantily clad teenagers slowing congested traffic, blaring radios, screeching tires, occasional fights, and the frequent shouting of obscenities. The problem has recently been augmented by local radio stations that are encouraging their young listeners to hang out and cruise on Grandview Avenue at night.

According to City real estate records, the Grandview Avenue Overlook and sidewalks are part of Grandview Avenue Park. Section 473.07 of the Pittsburgh Code states that 'The opening and closing hours for each individual park shall be posted therein for public information. No person shall be in any City public park or playground before 6:00 a.m. or after 11:00 p.m. except as provided by the Director of Parks and Recreation. This restriction shall not affect the right of the public to use the pathways and roadways in and through the public park playground or other public ground for the purpose of public travel.'

There are currently no signs posted on Grandview Avenue. Although postings of park hours on Grandview Avenue will not solve the problem of loitering youth completely, it may serve as an aid to police officers in clearing out the youth after 11:00 p.m. or other hours as designated by you. Therefore, I am requesting that signs be placed on Grandview Avenue stating the operating hours of the overlooks and sidewalks as you deem appropriate.

In addition, I feel that it is necessary for you to clarify to Public Safety Director, Lou DiNardo, that the police have the ability to enforce Section 473.07 and cite violators for up to \$300 in this section of the Public Code.

Since the problem on Grandview Avenue

is becoming excessively worse, your immediate attention to this matter would be appreciated."

Now, Judge Cappy and a number of others met to discuss this problem. The problem is that Grandview Park is across the road from residents. They urinate on the lawns. They scream. They throw bottles. They create litter. It is a nightmare.

And I told you a number of weeks ago about the night I was up there helping the police officer direct traffic, and they were mostly people not from the area. There were cars cruising. I didn't know it until I read Bill Urbanic's report that our local talk shows think this is cute. Maybe we'll send somebody to their homes at 3:00 in the morning while they're sleeping and blare the car radio so they'll know what it's all about.

But back to the issue. I spoke to the police officer that night. Neighbors were coming out of the building saying, "This is a park. Why don't we tell people this is a park and they're not allowed to loiter?" He said, "We can't do that. It would be unconstitutional." It is not unconstitutional. Lou DiNardo is in favor of it. I believe Reginald Young is in favor of it. My only problem, would you believe, is with the Chief of Police. And that's totally unacceptable to me.

The rules and the laws say post the parks. We put signs up there that say you cannot loiter here after 11:00. I think that's a reasonable time for people to be able to get some sleep. And if they want to walk by, I have no problem with that. If you want to go by with your girlfriend and look at the view and hold hands, I don't have any problem with that. But we've got to stop the incentive for people to come up and use that as another God knows what. It's a horrible situation.

I'm just sharing with Council that I have made this request and I want Council to be aware that if they have problems in their communities

where you have the same kind of situation around a park area, that you have the right to stop it. You have a problem on the North Side because I know it's gone on for years around the park. There are other areas, I'm sure, that could be affected, but this is really unique. This is our Niagara Falls, our tourist area. Everybody goes up to Mount Washington to look at the City. At night it's magnificent. And we have Light Up Night, we have Fireworks Night, and they close off the City. But the public has enough to deal with, the residents up there. The constant noise level is untenable. It is an unbelievable situation.

Let me tell you what I've advised the neighbors if we don't do this. They ought to file a legal action against the City for not enforcing the law. It's got to stop. Somebody has to stop talking about it and doing something about it.

The Chair:

I was up there Saturday evening and there was a policewoman with a K-9 which was encouraging.

Michelle Madoff:

That's something we got some time ago. But, let me tell you that I was there one night and the policeman with the K-9 dog was at one end and a man was beat up by a bunch of kids at the other end. It is a terrible situation. But how would you like to live there with that noise level? And that's the tax base. It's like the Oakland Squirrel Hill tax base of our community. Shadyside.

The Chair:

Thank you for sharing that with us.

Mr. Cohen:

New issue, please. I'd like to address two

issues today, if I may.

The first is on playground safety. I've introduced legislation today mandating safety based on national guidelines in all playgrounds and play areas in the City of Pittsburgh. My office has been working on this issue with two playground safety experts for nearly a year. Susan DeFrancesca and Melanie Morrison. The two of them really opened my eyes to the hazards that exist on some play areas that have been designed, constructed, operated or maintained by the City of Pittsburgh.

I've discussed this bill with Councilman O'Connor, Chairman of the Parks and Recreation Committee, and I want to thank him for his views.

I also know that Councilman Smith did an audit of our playgrounds and would like to discuss this further with him because I think that will be very helpful.

I've discussed this with John Walluk, Director of Public Works, and Jeff Horan in charge of maintenance for Public Works, and also Director Young of the Parks and Recreation Department.

Very briefly, the bill requires that the Department of Public Works, in consultation with Parks and Recreation, conduct an immediate hazard analysis of all play areas and play equipment within six months of the passage of the bill, develop and implement a comprehensive safety program within one year of the bill's passage such that all major hazards and dangers to our children must be repaired, replaced or removed immediately, have a timetable to install protective safety surfacing. All new and renovated playgrounds have to comply with national guidelines set up by the Consumer Product Safety Commission and the Consumer Federation of America just for height standards. And finally, have a regular schedule

of inspection and maintenance conducted by trained personnel solely on the basis of safety.

In the United States over 200,000 children are treated in emergency rooms per year for playground injuries and at least 17 children die per year. The truth is that most of these injuries are preventable.

So, I would urge my colleagues to consider this seriously. It's only coming up tomorrow so that we can move it for a public hearing. I'd like to ask that we have a public hearing on it so that national experts, we're going to bring up an expert from Washington, Melanie Morrison, local experts like Susan DeFrancesca, doctors, parents and children can speak to the issue.

And I look forward to working with you, President Wagner, to be able to come up with an appropriate date for that public hearing.

Michelle Madoff:

Congratulations, Councilman Cohen. I think it's very important and I'd like to add a friendly amendment suggestion. That parents who know best, who hang out at the playgrounds because there's a playground in my district that has a jungle, old logs that was built like in the early dinosaur years, and it's really dangerous. The chains swing back and forth and something should be done. And when I talk about it, do you know what answer I get from Parks and Recreation? They say, "I'll tell you what we'll do. We'll just take it down." And then the children have nothing to play with. That's not an answer.

So, I'd like to address the issue of replacement, but I'd also like the parents to have an opportunity to come and tell us and to call Parks and Recreation, or to call your office, and tell you about serious problems so that you can deal with them and pass it on. Be a catalyst to

make sure it's addressed.

Mr. Cohen:

I think that would be very helpful. And my discussions, by the way, with the two Directors, they both have been very receptive to hearing about safety hazards out there so that they can go out and repair or replace them.

Michelle Madoff:

Dan, the answer I got is that we don't have any money. And I want to tell you about one I'd like you to see that is so dangerous it is unbelievable. And perhaps you would address it.

Mr. Cohen:

I think it's a matter of priority is what it is. We have \$350,000 in the budget now just for safety surfacing, but I think we have to rearrange our priorities to make sure that we do have enough money because we all know that if a child were to be injured or, God forbid, die on one of our City playgrounds, the cost is much, much greater.

So, any parents that you know of, Michelle, that would like to come in and speak on this, I think it would be best to have a public hearing.

Michelle Madoff:

I do want you to know about this one in particular. I'd like you to see it. It is so deadly it would be a great issue to make your cause.

Mr. Cohen:

Thank you.

Mr. O'Connor:

I've heard this too many times that when there is a minor repair the answer seems to be well, we'll take it out. By the time we have a public hearing, it may take a while until we get this in place. But our Public Works and Parks should take a serious look. People should call and they should fix the problems instead of taking it away. One park was taken down in Glenwood and it's just terrible because it's one of the poorest areas in my district and it was just wiped out for minor reasons and they're the people who really need it the most.

So, I think if you call Public Works, Parks or any of us, we should try to do our best to fix things to save the small safety issues that we do have. And don't punish the people who, for whatever reasons, their park was not taken care of.

The Chair:

Some of the ways to correct some of these things are very minor like the incident recently outside the City where a slide fell on a child. It simply had to be bolted to the ground or whatever.

Mr. Cohen:

If I may just respond to Councilman O'Connor. I think that would be a good amendment to this legislation. What the legislation says, that portions of it says that all major hazards that are identified by this hazard analysis have to be repaired, replaced or removed immediately. And I think that we should clearly say in that legislation that repair or replacement is certainly preferable to removal.

On another issue. I'd like to address a couple of cable issues very quickly. First of all, I just want to thank Brother Richard Emenecker

for responding quickly to our request for a new schedule for regulating TCI Cable rates based on Congress' recent delay in providing the Federal Communications Commission with money to implement the regulations.

This new schedule just came out this morning and I know it was delivered to all Councilmembers' Offices. The first operative date, really, is October 1st of this year when the FCC rate regulation takes effect. We've already done what we need to do to become certified, and that is pass two bills in Council, one for certification and the other to file a complaint with the FCC saying that the expanded basic rates are unreasonably high.

But I want to thank him for this schedule and let's look forward to the next operative date which is October 1st.

It also notes here that the FCC rate freeze would expire on November 15th. We originally heard that it was October 1st, but in fact it's November 15th. The freeze here in Pittsburgh I think will be much longer because by that time we will have notified TCI that their rates will be regulated and that imposes a freeze here in the City of Pittsburgh.

That gets me to the next issue and that is this KBL issue. KBL has announced plans to raise fees for restaurants and taverns that have KBL. My understanding is that they've only notified Adelphia Cable Company, that's the cable company that operates in Mt. Lebanon and Upper St. Clair and Bethel Park and those communities. It has not yet come to Pittsburgh, but I understand and believe that they have plans to bring it to Pittsburgh.

That would be a serious mistake, Mr. President, because a freeze is a freeze. The FCC has imposed a freeze on rates. The freeze is on all channels, on basic and expanded basic menus.

KBL is on the expanded basic menu and my view is that that freeze applies to them as well. The FCC regulations do not treat commercial customers any differently from residential customers.

This morning Representative LaGratta is introducing legislation in the State Legislature on this, and I commend him for that. But I think that the Federal Communications Commission has already done that by imposing this freeze.

KBL points to a 1984 bill that allows them to contract with commercial customers. My view is that that 1984 law is superseded by the 1992 law which obviously is more recent.

Drinking a beer and watching Pittsburgh sports, Mr. President, is a tradition as old as the City itself. I think KBL is trying to undermine that tradition and I think that we should send them a message that if they try to do it in the City of Pittsburgh, they're going to meet with resistance.

If anyone thinks, by the way, that KBL is separate from TCI, they should think again. TCI owns a company called Liberty Media. Liberty Media is a company that owns KBL. John C. Mallone who is the President and CEO of TCI also happens to be the Chairman of the Board of Liberty Media, which again owns KBL. The New York Times, just a couple of weeks ago, had an article that noted that John Mallone's holdings in Liberty Media, his personal holdings, his personal earnings in the last two years, was \$562 million. That's what John C. Mallone earned in the last two years.

So, if you think that TCI and KBL are different on this issue, they're really aren't. It's all a shell game and the game is to squeeze the customer more and more.

I would like to move, Mr. President, that we send a letter to both TCI and KBL advising

them to rethink their plans to raise fees on KBL or any other channel, and to inform them that our view is that the FCC freeze applies not only to KBL but all channels. This would be a terrible precedent because whether it's KBL or any other channel on that menu, if they try to raise rates, they're going to be operating in violation of the law and against the customers who live in the City. I'd like to make that as a motion.

Michelle Madoff seconded the motion.

The Chair:

Question, Councilman Cohen. Do you mean if this precedent is set for KBL for sports activities, other types of specialty businesses, maybe a child day care center that has certain types of shows or whatever, could be administered a special fee in the future?

Mr. Cohen:

That's right, Mr. President. KBL, as I said, is on the expanded basic service and that includes a lot of stations including CNN, C-SPAN, TNT, KBL, etc. So, if this happens with KBL, then that would be a precedent that could occur with other channels as well.

Michelle Madoff:

We're not going to have a tag day for this man, are we?

Mr. Cohen:

I don't think we'll need it.

The Chair:

All those in favor of the motion?
Opposed?

WHICH MOTION PREVAILED.

Mr. O'Connor:

Mr. President, briefly I would like to discuss my two amendments. Since it's been in the news, I just want to clarify a few things.

One, under the current provisions of the Charter, the Mayor may appoint in her absence or disability, a Deputy Mayor to run the City. Under my amendment, the President of Council would serve as Deputy Mayor. If the Mayor was temporarily disabled or incapacitated for any length of time, that job would go to the President of Council.

We just have to look at what's going on in our State with Governor Casey how smooth the transaction and the flow of government is running. But I feel the importance of this job of running the City should fall on that of an elected official. Therefore, I'm suggesting that that official be the President of Council. If, for whatever reason, the President of Council is unable or unwilling to perform that duty, I am suggesting that the Finance Chair would fill in for that slot.

The second issue of my amendment is how we elect our Council President. This, I feel, since the job is not only important as it is but in succession for the Mayor, and I think that's the key issue, I feel the public should have a say in that and I'm calling for every two years to have an election, a City-wide election, for the Council Presidency. This would give people a direct say in the leadership not only of Council but of how the City is run, and who they Mayor's successor may be. Therefore, they would vote on that.

I'm not going to Rule 8 this today because I urge my Councilmembers to look hard at it, to talk to their constituents, and we will discuss it at next week's table. This amendment, if it's passed by us, only puts it on the ballot in November and I

feel it's a good time to let the people decide if they wish to take this road and decide if they want to have more say in who the elected officials are. I just feel it's a good issue and I'd like you to consider it and take the week, and next week we will discuss it.

Michelle Madoff:

I agree with Councilman O'Connor that it is appropriate, and I have been here a long time and watched people as President, present company excluded, who have been under investigation, who have gone to jail, who got here because they could cut deals, got to be President because they could negotiate the vote amongst their peers, meaning Councilmembers.

So on the issue of who would be in line to succeed should the Mayor not be able to function. It would seem to me that the way to do that while the public is really opposed to any increase in dollars for this Council, I think they ought to reconsider because the nine districts are workable districts. You wouldn't want to change those. I was going to suggest eight districts with one member running at large. But either way. Either eight districts with one running at large or another member of Council being the tenth member, we know who the tenth member of Council is. But we'd have the tenth member of Council run at large. That means that anybody who wants to be Deputy Mayor and President of Council would run City-wide and would not run for their district as opposed to this, excuse the expression, Mickey Mouse way. If you run for your district but if you lose in your district then you can't be the Lieutenant Mayor, and that doesn't make any sense.

So, I would suggest that an amendment be thought about, because you want to not waive Rule 8, that people think about putting in, and everybody is laughing about the tenth member of Council -

The Chair:

Is that Spitz?

Michelle Madoff:

No, that is Mr. O'Connor's Administrative Assistant who thinks he's the tenth member of Council.

But anyway, back to the issue. That person running at large would have the vote of this complete City as would someone running for Lieutenant Governor. And that person would succeed to the throne of Mayor.

And it's interesting that history would show that I have been traditionally the person who led the ticket. I may not be able to win in my district, but they love me City-wide.

Mr. Darkins:

I'm concerned. I keep hearing you jumping all around here. They made mention about the Finance Chairman. Of course, we've seen that there are no values there in regards to protocol or command of order.

Mr. O'Connor, you lose me when you say Finance Chairman. What happens to the President Pro Tem? You lose me on that. I mean, you know, of course I could care less how people feel. This last incident that went down in City Council is still bugging me because of what had happened with Judge Wettick's order. That wasn't really carried through. I was remissed, I was ignored, I was never considered. As the President Pro Tem of Council, I should have been considered. I shouldn't have been ignored. And when I made my statements, and I still stick to it, Councilman O'Connor, I don't care who rebuttals me, it was a very racist move. It wasn't done right. And now, today, you talk about the Chairman of

Finance to replace. That's not protocol. That's not even business ethics. And I have a question on that.

It's been done. They did it when they did it to Lou Mason and I'm saying they did it to Duane Darkins. And I think that's something you should think about. I don't think you all should just erase me. It wasn't a thing that Jack Wagner appointed me. I was elected by this body to be the President Pro Tem of Council, and I still hold that. How are you going to jump over me and go to the Chairman of Finance? I have nothing against Dan Cohen; I'm just talking about protocol, that's all.

Mr. O'Connor:

Mr. Darkins, you bring up a good point. The only reason I came up with that is that's how Philadelphia does it. But again, I agree with you; it doesn't make it right and that's why I would like to discuss that. It would certainly be a friendly amendment and I am certainly open to that.

Mr. Darkins:

The only thing you have to do, and these colleagues on Council, you're silly if you let this happen, if you go that route. You take the power away from everyone on Council. We don't have that much, but as colleagues on Council we have that power to elect our own President or whatever here. And if you take that away from your colleagues on Council, then you are powerless. That's the way it's coming.

The Chair:

That issue will be up for discussion a week from tomorrow and I am certain it will have extensive debate.

Mr. Onorato:

Mr. President, we received a memo today from Assistant City Solicitor Isobel Storch regarding PA House Bill No. 65 regarding giving the public an opportunity to speak at our regularly scheduled meetings. Our Legal Department interpreted this to mean that every Tuesday we have to provide open discussion for residents.

I disagree and I would just like them to comment on a particular section which is Section D that provides exceptions. It says, "If any board or council of a political subdivision, or of an authority created by a political subdivision which had before January 1, 1993 established a practice or policy of holding special meetings solely for the purpose of public comment in advance of advertised regular meetings, shall be exempt from the provision of Subsection A which requires the public comment session."

I think the system that we have for the public hearings on any particular bill that comes up on a Tuesday takes 25 signatures or this body can ask for a public hearing. So we have that in place and I think it would do disservice to the City if we would open up every discussion for individuals just to come down and discuss on every individual bill on a Tuesday when we have a system in place where we can have public hearings on any issue.

So, I would ask for an interpretation of Section D of this bill and does that mean that we could possibly use our public hearings as the exception.

The Chair:

I appreciate, Councilman, you bringing this point up. I think there's a need for good open discussion between all Members of Council and our Solicitor and anyone that the Solicitor chooses to bring along, about how this law

changes the process, if it does at all. I think that discussion has to be held publicly to make sure everyone feels comfortable with it. It could be done either at a post agenda meeting that is televised and/or a public hearing. I think a post agenda meeting under the new legislation probably would be the appropriate way to proceed.

Mr. Onorato:

With the television?

The Chair:

Yes. And a follow up on your special request for information prior to that meeting.

Mr. Onorato:

I agree. That sounds good.

The Chair:

Thank you for bringing it up.

And on the motion of Mr. Smith

Council adjourned.

MUNICIPAL RECORD

Proceedings of the Council of the City of Pittsburgh

VOL. CXXVII

Tuesday, July 6, 1993

No. 27

Municipal Record

ONE-HUNDRED TWENTY-SEVENTH COUNCIL

JACK WAGNER..... President
MICHAEL PERRY..... City Clerk
LINDA M. JOHNSON-WASLER..... Asst. City Clerk

Pittsburgh, PA
Tuesday, July 6, 1993

PRESENT:

MR. COHEN	MR. ONORATO
MR. DARKINS	MR. RICCIARDI
MR. FERLO	MR. SMITH
MICHELLE MADOFF	MR. WAGNER
MR. O'CONNOR	(Pres't)

The Meeting was opened by the recitation of the Pledge of Allegiance to the Flag of the United States of America, and a moment of silent prayer for peace throughout the world.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

The Chair:

First, I'd like to welcome seven visitors from Poland who are with us today from various cities. Councilmembers, Mayors, Lieutenant Governors, etc. Would you please rise?

We thank you for being here and enjoy your stay in Pittsburgh.

Mr. Darkins:

I would ask that Bishop Jones and his wife come forward.

And I would also ask that my colleague, Christopher Smith, join me this morning.

Mr. Darkins presents

No. 2875 WHEREAS, Bishop Wade Jones was born in Woodard, South Carolina and relocated to Pittsburgh with his family as a young boy; and

WHEREAS, Bishop Wade Jones attended what is now called Rogers School for the Performing Arts, Peabody High School and also attended school in Clairton, Pennsylvania right before being drafted into the U.S. Army to serve in the Korean War in 1951; and

WHEREAS, Bishop Wade Jones returned to Pittsburgh after the war and married

Alta Rae Pratt on May 17, 1958 and together they have three children which consist of a set of twins: Michael and Sandra, and the youngest son, David; and

WHEREAS, Bishop Wade Jones joined the Greater Emmanuel Tabernacle Church in 1956 and received his calling to the ministry in 1968 and studied under the Apostolicus of the late Bishop Albert Benton; and

WHEREAS, Bishop Wade Jones has garnered numerous honors and awards for services through the Church and as Pastor of the Year.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh recognizes the accomplishments and the contributions of Bishop Wade Jones and congratulates him on the 25th Anniversary of his ministry and hereby declares Tuesday, July 6, 1993 as "Bishop Wade Jones Day" in the City of Pittsburgh.

Mr. Darkins moved to adopt the resolution.

Mr. Ferlo seconded the motion.

Which motion prevailed.

Mr. Darkins:

I am so glad today to be able to make this presentation to Bishop Wade Jones and his lovely wife whom I've known through the years. It's just beautiful. The whole setting is right, especially with our newly elected Councilman from the 6th Council District where the Greater Emmanuel Church is located. And they are doing a tremendous service in that area of the City of Pittsburgh. Their outreach program is just harmonious, it's outstanding, and along with this resolution I must say that Bishop Jones and his wife are so well known, not only in the City of

Pittsburgh but worldwide. Congratulations.

Bishop Jones:

To the Councilman, President and City Council, and to Councilman Duane Darkins, I accept this award and I am pleased to be here today. Thank you one and all. God bless you.

Mr. Darkins presents

No. 2876 WHEREAS, Pauline Dean received her B.A. Degree from Storer College in Harpers Ferry, West Virginia in 1953 and her Masters in Education Degree from the University of Pittsburgh in 1961; and

WHEREAS, Ms. Dean retired after 40 years of service to the Pittsburgh School District and taught many subjects and grade levels and spent her final teaching years at Belmar Elementary School; and

WHEREAS, Ms. Dean founded and sponsored many youth activities and was an active member, Secretary and Treasurer of the Baxter Parent-Teacher Association, and is a Parent Representative at Belmar School.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh recognizes the accomplishments and the contributions of Ms. Pauline Dean to the City of Pittsburgh and hereby declares July 6, 1993 as "Pauline Dean Day" in the City of Pittsburgh.

Mr. Darkins moved to adopt the resolution.

Mr. Ferlo seconded the motion.

Which motion prevailed.

Mr. Ferlo:

I'd like all the representatives from the

Mon Valley Unemployed Committee to come forward. I guess I should call you lobbyists.

Mr. Ferlo presents

No. 2877 WHEREAS, thousands of Pennsylvania families have been forced to rely on welfare benefits because of long-term job loss due to such causes as plant closings and long-term illnesses; and

WHEREAS, for many years, Pennsylvania homeowners who were struggling to survive in our devastated economy have been forced to accept liens on their homes in order to receive welfare benefits; and

WHEREAS, Pennsylvania was one of only three states which placed this burden on families who were struggling just to survive; and

WHEREAS, some 110,000 Pennsylvania families have unfairly been living with the burden of welfare liens on their homes; and

WHEREAS, the efforts of workers to rebuild their lives has been unduly burdened by unjust welfare liens on their homes; and

WHEREAS, the Mon-Valley Unemployed Committee has fought a long, hard battle with the help of labor unions, religious and community organizations to enact legislation to remove the welfare liens; and

WHEREAS, on June 7, 1993, Governor Casey signed House Bill 200 removing the welfare liens on the homes of 110,000 Pennsylvanians.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Pittsburgh that the Mon Valley Unemployed Committee, and Barney Oursler and Paul Lodico

who were the coordinators of the Mon Valley's Campaign to Remove the Welfare Lien, are hereby officially recognized and honored for their hard work and dedication which was instrumental in achieving the enactment of legislation which removed welfare liens from the homes of 110,000 Pennsylvanians.

Mr. Ferlo moved to adopt the resolution

Mr. Darkins seconded the motion.

Which motion prevailed.

Mr. Ferlo:

I just want to say, and I'd like to have maybe Barney and Paul both come up and say a few words, I think you can see from the group here that it was a long hard battle over many years. We always get to pick on our State Legislators but we have to say this is one time, finally, our State Senators and our State Legislators really came through. I'm sure it wasn't easy and I'm sure we'll hear about some of those horror stories. But, as I look at this group, we have people here not only from the City but also from the Mon Valley. I know we have a Troy Hill family here and her whole family was down there lobbying in the halls of the House and the Senate over the last couple of years.

This was really a broad-based effort and campaign and one of the reasons why I asked that the folks come down here today is that I think we really owe a tribute to the advocacy efforts of the Mon Valley Unemployed Committee. They have fought long and hard on lots of different issues. Historically we know them years ago during the height of a lot of plant closings. They were instrumental in launching efforts with the County Sheriff around foreclosures. They've had a long and great history in this City really defending the rights of working people and low income families.

And I guess I really wanted to bring them down here today not only to focus in on this whole issue of the property liens. A lot of times people don't know that there's even a lien on their property. Some of these liens go back as far as the Depression Period. And, unfortunately, when you try to get a loan or you try to sell your house or engage in some financial dealings with a bank, lo and behold that when one of your worst nightmares comes up and that's finding a property lien on your property. A lot of people have inherited this headache also.

So, it's a tremendous victory. It's going to help thousands of Pittsburghers in particular. I think it was important that we not only applaud the work of the Committee and all the folks here for this battle, but there are going to be some upcoming battles here in the City, and if there's one group that has proven themselves really representing the interest of working people here in the City, it's the Mon Valley Unemployed Committee. And I hope at the end of the year come budget time that we work with this group, we talk about other kinds of issues that we need to be involved in. We spend thousands of dollars hiring a professional lobbyist in Harrisburg, but when it really comes down to it, there's no more professional lobbying than Mon Valley Unemployed Committee and the folks that are represented here to my left.

So, again, I want to applaud them and maybe Paul and Barney would like to say a few words. Thank you.

Mr. Lodico:

I guess we do look like we spent years. I'm not sure what he meant by that but we did take a lot longer than we thought.

Back in 1990, as a matter of fact, we didn't apply for some grant proposals because we

thought it would be a few months. We thought this law was so outrageous that all we had to do was bring it to the attention of the Legislators and rather quickly they would see the injustice of it and they would take the right course of action.

Well, no such luck. It took us three and a half years and it took us organizing so the Mon Valley stretches now from the McKeesport area or where I live in the community of Greenfield, all the way up to Erie or all the way over in Delaware County now. In Harrisburg they see folks wearing these shirts because the Welfare Lien Campaign went where we had to go. We went where the people who were affected by the problem lived.

We started out, though, right here in this area. Right here at the Prothonotary's Office down in the basement, digging up the names of folks with welfare liens, calling them, writing them and getting them involved. Hundreds of residents in the City of Pittsburgh have been part of our campaign. What you see here today are some of the more active leaders of the campaign, folks who started out just trying to help themselves a little bit, never realizing that they would end up taking their family to Harrisburg and talking to Legislators. But they did and time and again they went, and through time we made an impact on the Legislators.

We had Legislators who stood up and said, as Senator Robert Jubiliere from Altoona, who is now the Minority Leader of the Senate, but he stood up and said he did a 180 degree turn on the issue. He was wrong and now he was supportive of the removal of the welfare lien.

When it finally came to a vote in the Senate, it was 39-8 to remove the lien. Get rid of those 8. They make the other 39 a little more responsive.

We're very happy and very proud to be

here today. And sometimes, maybe, you pass a lot of these and you're not quite sure what it means. Well, to us on behalf of all the homeowners in the City of Pittsburgh who have welfare liens, the unions and churches who backed us and supported us, this does mean a lot. Thank you very much.

Michelle Madoff:

I just want to ask a question. Which Legislators spearheaded your effort? Who worked with you in the beginning and stuck with you? I think they need some credit. Who were they?

Mr. Lodico:

This bill had passed the House many times previously. It was Dave Richardson's bill. He is the Chair of the Senate Health and Welfare Committee from the Philadelphia area. He has been out 14 years. Of course, at a press conference when the bill finally passed, Senator Hardy Williams from the Senate said, "Dave, before you got to this House I was fighting on this issue. It goes back about 20 years." So it took them quite a while without going anywhere until the Mon Valley Committee came to town and put our help with them. But really, the one in the House who did the most to spearhead it was Representative Richardson.

Mr. Ferlo:

I thought maybe Barney could explain the mechanics of the bill and the work of the Prothonotary's Office.

Mr. Oursler:

We were a little concerned. We have experience with the political arena where sometimes you win it legislatively, and when it comes time to implement it, you tend to lose. We

anticipated a serious problem. There were some compromises made in the definition of what kinds of properties were exempt from the lien. We focused our energy, though, on saying, "You remember us for 3-1/2 years; well, we're not going to go away until you get this thing implemented."

Initially, the Department of Welfare was speaking on their 800 line right after the bill passed or was signed by the Governor, about four years to implement it, and we made it very clear that was not acceptable.

The word we have now in writing from the Department of Welfare is that it will be done at no cost to homeowners. It will be done beginning August 6th when the law takes effect. We're going to have a little party out in front of the State Office Building and we invite the Council to join us. We're going to get rid of some of our liens in a very quick way that day.

By December, they're going to have them all officially removed from the books, according to the Department of Welfare. Some counties have their operations computerized and will be done immediately. We know from heart experience, Thomas and the rest of us, that there are some liens in the basement of this building and next door that are really hard to find and it will take them a while.

But, essentially, it's done automatically for all homeowners. They won't have to pay for it and if anyone has immediate need for a home loan or to sell their home or for some other reason to use their property, they can call an 800 number in Harrisburg at the Department of Welfare and get an immediate action and get a letter back removing the lien. So their property could be immediately handled and we'll share that number with the Council.

Our phone number at our office is 462-

9962. We actually have an 800 number because of the 26 counties we've organized across the state where folks need to reach us. But locally it's 462-9962. Thank you.

Michelle Madoff:

Are you going to ask for some grant money this year to continue doing this kind of good work?

Mr. Oursler:

Are we going to ask for some financial help? Yes. It would be a big help to us.

The Chair:

Thank you all.

Mr. Smith presents

No. 2878 WHEREAS, the contributions and committed service of Arthur J. Edmunds to the Pittsburgh community exemplifies a love of humanity, hard work, dedication and a determined will to make a difference; and

WHEREAS, Arthur J. Edmunds is a native of Des Moines, Iowa, matriculated at Fisk University in Nashville, Tennessee, holds the Master's Degree from Drake University, and is a member of the Academy of Certified Social Workers; and

WHEREAS, he began his career in social work as Program Director for a large community house in the Midwest rising to Director of the YMCA; and

WHEREAS, Arthur J. Edmunds began his work with the Urban League of Flint, Michigan, where he served as its Executive Director. He became the Executive Director of the Urban League of Pittsburgh in 1960 where he

served for twenty-five years until his retirement in 1985; and

WHEREAS, under his leadership, the League grew from a staff of nine, with a budget of \$60,000 to a \$2.5 million budget and a support staff of 150 serving over 10,000 families; and

WHEREAS, Arthur J. Edmunds has received numerous awards for his leadership in the community. He was appointed by Governor Milton J. Shapp to the "Citizen Commission on Basic Education" in 1973, selected by the Pittsburgh J.C. as "Man of the Year", "Social Worker of the Year" by the National Association of Social Workers, Honorary Doctor of Humane Letters Degree from Laroche College, Honorary Membership in Phi Beta Kappa, and recipient of the prestigious Whitney M. Young Medallion for Outstanding Service to the Urban League.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh joins in the celebration of the committed life of Arthur Edmunds, the dedication of the Arthur J. Edmunds Center, and proclaims July 7, 1993 as "Arthur J. Edmunds Day" in the City of Pittsburgh.

Mr. Smith moved to adopt the resolution.

Mr. O'Connor seconded the motion.

Which motion prevailed.

The Chair presents

No. 2879 WHEREAS, Fisher Scientific Company, with its corporate headquarters based in the City of Pittsburgh, is the oldest and largest provider of instruments, equipment, and other products to the scientific community of North America; and

WHEREAS, along with the American

Chemical Society, Fisher Scientific and its President, Tom Vogel, will welcome Dr. Oleg Nefedov, distinguished scientist and Vice President of the Russian Academy of Sciences, to Pittsburgh on Tuesday, July 6, 1993; and

WHEREAS, Dr. Nefedov, who also directs Russian chemical research on the national level as President of the Chemical College, will deliver a talk on the objectives and current state of the Russian Academy of Sciences and the status of Russian chemistry research.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend Dr. Oleg Nefedov for his leadership in the Russian scientific and chemical research communities; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh welcomes the distinguished Dr. Nefedov, and declares Tuesday, July 6, 1993 as "Dr. Oleg Nefedov Day" in the City of Pittsburgh.

Mr. Cohen moved to adopt the resolution.

Mr. Ferlo seconded the motion.

Which motion prevailed.

Mr. Cohen presented

No. 2840 Resolution providing for the filing of an application or applications by the City of Pittsburgh with the U.S. Department of Labor and/or Commonwealth of Pa., for a grant or grants in connection with the Job Training Partnership Act; providing for the execution of grant contracts and for the filing of requisitions and other data; providing for the appointment of the Private Industry Council and authorization for the Private Industry Council and the City of Pittsburgh to enter into agreements authorized by

the Job Training Partnership Act, as amended; providing for required assurances; providing for execution of payment vouchers and for certification of authorized signatures; providing for a contract or contracts with various agencies/employers for services and programs related to training and employment for the Job Training Partnership Act Projects; and providing for the deposit of funds into a bank account. The total amount payable under this Resolution will not exceed \$2,404,145.00 chargeable to and payable from the JTPA-1 Trust Fund.

Also,

No. 2841 Resolution providing for the filing of an application or applications by the City of Pittsburgh with the U.S. Department of Labor and/or Commonwealth of Pa., for a grant or grants in connection with the Joint Jobs Initiative Program Single Point of Contact Project and Transitionally Needy Project; providing for execution of grant contracts and for the filing of requisitions and other data; approving the Joint Jobs Initiative Program Single Point of Contact Project and Transitionally Needy Project plans; providing for required assurances; providing for execution of payment vouchers and for certification of authorized signatures; providing for a contract or contracts with various agencies/employers for services and programs related to training and employment for the Joint Jobs Initiative Program projects; and providing for the deposit of funds into a bank account. The total amount payable under this Resolution will not exceed \$2,559,849.00 chargeable to and payable from the JTPA-1 Trust Fund.

Also,

No. 2842 Resolution authorizing the periodic issuance of a warrant or warrants in favor of vendor or vendors for the rental of vans for the 1993 Summer Youth Employment Program. The total of the warrant or warrants will

not exceed \$17,000.00 chargeable to and payable from the JTPA-1 Trust Fund.

Which were severally read and referred to the Committee on Finance.

Mr. Cohen moved to suspend Rule 8 by providing for consideration of all the bills only until or after the 8th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. O'Connor seconded the motion.

Which motion prevailed.

Also,

No. 2843 Resolution providing for the issuance of a warrant in the sum of \$19,000.00 to Stanley J. Dutchko, c/o Timothy O'Brien, Esquire, Lawyers Building, 14th Floor, 428 Forbes Avenue, Pittsburgh, PA 15219 in full and final settlement of an arrest by City of Pittsburgh police, on or about July 3, 1991, payable from Code Account No. 46, Judgments.

Also,

No. 2844 Resolution providing for the issuance of a \$1,579.89 warrant in favor of Carl S. Boughton in settlement of claim for automobile damage incurred when a Public Works truck struck a parked vehicle due to the icy condition of the roadway, payable from Code Account No. 46, Judgments.

Also,

No. 2845 Resolution providing for the issuance of a \$1,201.40 warrant in favor of Patrick Smorada in settlement of claim for automobile damage incurred when a Public Works truck struck a parked vehicle due to the icy condition of the roadway, payable from Code

Account No. 46, Judgments.

Also,

No. 2846 Resolution providing for the issuance of a warrant in the sum of \$2,000.00 to Berger Kapetan Meyers Rosen Louik & Raizman, P.C., Suite 200, The Frick Building, Pgh., PA 15219-6003, attorneys for Julianne Atkinson and Barbara Atkinson, her mother, in full and final settlement of the action filed at GD91-18544 alleging personal injury sustained due to a slip and fall at the Aqua Zoo on or about July 27, 1991, payable from Code Account No. 46, Judgments.

Also,

No. 2847 Resolution transferring the sum of \$30,000.00 from Code Account 1044, Supplies, Department of the Mayor, City Information Systems to Code Account 1045-9, Department of the Mayor, City Information Systems. The reason for this request is the necessity of meeting unforeseen medical expenses.

Also,

No. 2848 Resolution providing for conveyance by the City of Pittsburgh certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Also,

No. 2849 Resolution Repealing Res. No. 434, Item I, approved April 23, 1992, which authorized the sale of property in the 20th Ward, being a 2 story, frame house situated on lot 52.48' x 146.18' x 50' rr., located at 3221 Stafford Street, designated as Block 42 G, Lot 83, together with adjoining vacant lot 52' x avg. 154' x 50' rr., 3211 Stafford Street, designated as Block 42 G, Lot 85

to Louis A. Vojtash and Shari L. Heagy, Joint Tenants and not as Tenants in Common, for the sum of \$7,000.00. The reason for the above repealing Resolution is that the structure has suffered severe fire damage and will require demolition. (Council District #2)

Also,

No. 2850 Resolution Repealing Res. No. 385, approved April 29, 1993, entitled, "Providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Obligation Act", effective December 11, 1984."

Which were severally read and referred to the Committee on Finance.

Mr. Darkins presented

No. 2851 Resolution providing for the issuance of a warrant in favor of Helen Hull Consultant, 719 Singer Place, Pittsburgh, PA 15221, in the amount of \$300.00 in payment for professional consulting services rendered to Councilman Duane A. Darkins for the month of June, 1993, chargeable to and payable from Code Account 1001-2, Salaries, Wages and Services of Council, As Needed, Index Code 100123, City Council District 9. ---**(SPONSORED BY MR. DARKINS)**

Which was read and referred to the Committee on Finance.

Mr. Darkins moved to suspend Rule 8 by providing for consideration of all the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Ferlo seconded the motion.

Which motion prevailed.

Also,

No. 2852 Resolution granting unto Marie N. Haines with an address at 1134 Beechwood Boulevard, Pgh., PA 15206, her successors and assigns, the privilege and license to construct, maintain and use at her own cost and expense, a concrete and brick retaining wall and a set of concrete steps in the right-of-way of West Lyndhurst Drive in the 14th Ward, 8th Council District of the City of Pittsburgh.

Also,

No. 2853 Resolution vacating a portion of Unnamed Way from Brighton Road to 119.83 feet southwesterly to the already vacated portion of the Unnamed Way. The abandonment of the 12 inch water line and the 15 inch sewer line located therein in the 25th Ward, 1st Council District of the City of Pittsburgh, and in accordance with the provisions of the Pennsylvania/Brighton Redevelopment Area Plan and the Pennsylvania/Brighton Cooperation Agreement. The petitioner, URA of Pgh., 200 Ross Street, Pgh., PA 15219, has requested this vacation for expansion purposes. The Finance Department places no price or charge for this vacation.

Also,

No. 2854 Resolution vacating Converge Way between Canal Street and East Ohio Street in the 23rd Ward, 1st Council District of the City of Pittsburgh. The petitioner, Sarah Heinz House, East Ohio and Heinz Streets, Pgh., PA 15212, has requested this vacation for expansion purposes. The Finance Department places only a nominal charge of \$1.00 for this vacation.

Which were severally read and referred to the

Committee on Public Works.

Mr. Ferlo presented

No. 2855 Resolution providing for the issuance of a warrant in favor of Craig Straw, 422 42nd Street, Rear, Pittsburgh, PA 15201, in the amount of \$1,386.00 in payment for legal and legislative research, office coverage and constituent services on behalf of Councilman Jim Ferlo for the month of July 1993, chargeable to and payable from Code Account 1001-2, Salaries, Wages and Services of Council, As Needed, Index Code 100123, City Council, District 7.

—(SPONSORED BY MR. FERLO)

Also,

No. 2856 Resolution providing for the issuance of a warrant in favor of Ron Pettinato, 816 Western Avenue, Pittsburgh, PA 15233, in the amount of \$100.00 in payment for community cleanup services rendered on behalf of Councilman Jim Ferlo on June 29, 1993, chargeable to and payable from Code Account 1001-2, Salaries, Wages and Services of Council, As Needed, Index Code 100123, City Council, District 7. —(SPONSORED BY MR. FERLO)

Also,

No. 2857 Resolution providing for the issuance of a warrant in favor of St. Agnes Church, 3221 Fifth Avenue, Pittsburgh, PA 15213, in the amount of \$75.00 in payment for rental of the parish hall to Councilman Jim Ferlo on January 25, 1993, chargeable to and payable from Code Account 1001-1, Misc. Services, Supplies, Equipment, etc., Index Code 100115, City Council, District 7.

—(SPONSORED BY MR. FERLO)

Also,

No. 2858 Resolution providing for the issuance of a warrant in favor of Western Pennsylvania Police Athletic Association/Drum & Bugle Corps. in the amount of \$300.00 in payment for professional services rendered to Councilman Jim Ferlo for the month of July 1993, chargeable to and payable from Code Account 1001-1, Misc. Services, Supplies, Equipment, etc., Index Code 100115, City Council, District 7. —(SPONSORED BY MR. FERLO)

Which were severally read and referred to the Committee on Finance.

Mr. Ferlo moved to suspend Rule 8 by providing for consideration of all the bills only until or after the 8th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. Onorato seconded the motion.

Which motion prevailed.

Also,

No. 2859 Resolution amending Resolution No. 444, approved May 6, 1982, entitled providing for implementation of Residential Parking Permit Program in portions of the Lawrenceville community pursuant to the Pittsburgh Code, so as to amend the streets included in Area "A".

Also,

No. 2860 Resolution approving execution of Contracts for Disposition of Land by and between the URA of Pgh. and various Redevelopers for the sale of properties in the 21st Ward of the City of Pittsburgh in Redevelopment Area No. 27 (SIDEYARDS).

Also,

No. 2861 Resolution authorizing the URA of Pgh. to acquire all of the City's right, title and interest, if any, in and to the publicly-owned property in the 10th Ward of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County, as Block 50-L Lots 184 and 187, under the Residential Land Reserve Fund. Block & Lot No. 50-L-184, which is located at 206 N. Evaline Street (a/k/a 5203-05 Broad Street), contains vacant structures. Block & Lot No. 50-L-187, located at 5162 Broad Street, is a vacant lot. These two properties, containing a total of approximately 7,361 square feet, are being acquired for conveyance to the Bloomfield-Garfield Corporation for residential construction. (Council District No. 7)

Also,

No. 2862 Resolution approving execution of a Contract for Disposition by sale of Land by and between the URA of Pgh. and Bloomfield-Garfield Corporation for the sale of Block 50-L Lots 184 and 187 in the 10th Ward of the City of Pittsburgh. Block & Lot No. 50-L-184, which is located at 206 N. Evaline Street (a/k/a 5203-05 Broad Street), contains vacant structures. Block & Lot No. 50-L-187, located at 5162 Broad Street, is a vacant lot. The redeveloper intends to demolish the vacant structures and use the site for construction of two single-family dwellings. These two properties, containing a total of approximately 7,361 square feet and have a purchase price of \$2,000.00. The redeveloper is a nonprofit corporation with a mailing address at 5149 Penn Avenue, Pgh., PA 15224. The Board of Directors include Gregory A. Heisler, President; R. William Norton, Vice-President; Sandra Mellen, Secretary; and Monica Jones, Treasurer. (Council District No. 7)

Also,

No. 2863 Resolution authorizing the

URA of Pgh. to acquire that property in the 20th Ward of the City of Pittsburgh owned by the Estate of Helena M. McKerry, and designated as Block and Lot 42-D-157 in the Deed Registry Office of Allegheny County, for the Fair Market Value, under the Industrial Land Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh. This property, which is a vacant lot containing approximately 580 square feet, is being acquired for resale to the adjacent owner for business expansion. (Council District No. 2)

Also,

No. 2864 Resolution approving execution of a Contract for Disposition by sale of Land by and between the URA of Pgh. and James and Margaret Karis for the sale of Block 42-D Lot 157 in the 20th Ward of the City of Pittsburgh. The redevelopers intend to use this vacant lot for expansion of their demolition business which occupies the adjacent properties. This lot, which is located at 423 Sloan Street, consists of approximately 580 square feet and has a purchase price of \$300.00. This property is being acquired following certification as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh. The redevelopers are husband and wife, with a mailing address at 3215 W. Carson Street, Pgh., PA 15204. Their business, AA & Karis Contractors, is also located at this address. (Council District No. 2)

Also,

No. 2865 Resolution authorizing the URA of Pgh. to acquire properties in the City of Pittsburgh under the Residential Land Reserve Fund, said properties having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh. These properties are being

acquired for resale to the adjacent owners for use as sideyards. (Council Districts 2, 5, 7, & 9).

Also,

No. 2866 Resolution approving execution of a Contract for Disposition by sale of Land by and between the URA of Pgh. and various Redevelopers for the sale of properties in the City of Pittsburgh. These properties will be sold to the adjacent owners for use as sideyards. The properties are being acquired following certification as blighted property by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh. (Council Districts 2, 5, 7 & 9).

Which were severally read and referred to the Committee on Planning, Housing and Development.

Mr. Onorato presented

No. 2867 Resolution authorizing the transfer of \$800,000.00 from Code Account 1677, Garbage, Refuse and Ash Removal, Department of Public Works, to Code Account 1443-4, Premium Pay, in the amount of \$500,000.00 and to Code Account 1443, Salaries and Wages in the amount of \$300,000.00, Bureau of Police, Department of Public Safety.

Which was read and referred to the Committee on Finance.

Mr. Onorato moved to suspend Rule 8 by providing for consideration of all the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Michelle Madoff seconded the motion.

Which motion prevailed.

Also,

No. 2868 An Ordinance supplementing the Pittsburgh Code, Title Seven - Business Licensing, Article IX - Amusement Businesses, Chapter 771 - Amusement Places and Producers, Section 771.05 - License Fees for Producers, by adding subsection (c).

—(SPONSORED BY MR. ONORATO)

Which was read and referred to the Committee on Finance.

Also,

No. 2869 Resolution providing for a contract or contracts from time to time in connection with demolition and removal of condemned buildings at a cost not to exceed \$100,000.00 chargeable to and payable from Code Account Community Development (4-27-10-0005-93-013-93-27), Demolition of Condemned Buildings.

Which was read and referred to the Committee on Public Safety.

Mr. Ricciardi presented

No. 2870 Resolution providing for the issuance of a warrant in favor of Public Strategies, Inc., One Bigelow Square, Suite 616, Pittsburgh, PA 15219, in the amount of \$1,600.00 in payment for professional consulting services rendered to Councilman Eugene Ricciardi for the month of July, 1993, chargeable to and payable from Code Account 1001-2, Salaries, Wages and Services of Council, As Needed, (Index Code 100123), City Council, District No. 3.

—(SPONSORED BY MR. RICCIARDI)

Which was read and referred to the Committee on Finance.

Mr. Smith presented

No. 2871 Resolution amending Res. No. 419, eff. May 7, 1993 entitled "Resolution providing for an Agreement or Agreements with Hill District Civic Association for operational/administrative expenses, maintenance, purchase of equipment; and/or minor rehabilitation of neighborhood facilities for the benefit of residents of the City of Pittsburgh, at a cost not to exceed \$5,000.00 chargeable to and payable from Code Account 1103, Misc. Services, Department of City Planning," so as to change the name of the group to "Hill House Association", who will be the conduit through which the program operates.
--(SPONSORED BY MR. SMITH)

Which was read and referred to the Committee on Planning, Housing and Development.

Mr. Smith moved to suspend Rule 8 by providing for consideration of all the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Ricciardi seconded the motion.

Which motion prevailed.

UNFINISHED BUSINESS

The Chair presents

No. 2817 Resolution appointing Janet Berkowitz, 1321 Beechwood Boulevard, Pittsburgh, Pennsylvania 15217, as a member of the City of Pittsburgh Ethics Hearing Board for a term to expire June 15, 1995.

Which was read.

Mr. Cohen:

I'd like my comments brought forward from last Wednesday, please.

(REMARKS ON FOLLOWING PAGE)

.BEGINNING - MR. COHEN'S COMMENTS ON JANET BERKOWITZ, APPOINTEE
TO THE ETHICS HEARING BOARD, WEDNESDAY, JUNE 30, 1993)

The Chair:

Any other questions? Let me say then that I have known Janet Berkowitz for several years and I know her to be bright and have integrity and dedicated to the City of Pittsburgh. I think you do an excellent job. Also you have been involved in a number of public service activities including being on the Board of the Squirrel Hill Urban Coalition and the Pittsburgh Employment Alliance and you worked with the Human Relations Commission so I thank you for agreeing to serve.

Ms. Berkowitz:

Thank you.

The Chair:

Your nomination will come up on Tuesday for a vote and I wish you the best of luck.

Ms. Berkowitz:

Thank you very much.

(END OF COMMENTS)

PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

The Chair:

All those in favor of the appointment?
Opposed?

WHICH MOTION PREVAILED.

Michelle Madoff:

Mr. President, under Old Business, because Lord knows it is old business, the City did not have its garbage picked up, whatever district was due, yesterday. I think that's a health hazard.

When we've got temperatures of 90 degrees, over 100 in the sun, the insanity of an Administration that doesn't pay its people overtime to get rid of something that serious, garbage, and pick it up, when we have asked for that ad infinitum, this Council, since the day I've been here, and I know you have been a strong proponent of doing it, it seems to me that we need to look at the process of this government.

We need to be able, when the Administration doesn't do what needs to be done, and we have enough votes on this Council to be able to move like greased lighting because we will introduce legislation, it will pass, and it may be cool by then. And next time it gets around, as somebody said earlier today from the Mon Valley Unemployed Committee, it's one thing to get legislation and it's another thing to have it enforced.

This Council I think stands firm that we must pick up the garbage certainly on the dates that you outlined. What were they, Mr. President?

The Chair:

Memorial Day, July 4th and Labor Day.

Michelle Madoff:

And it's at the whim of the Administration. I think we have to pass that as legislation with a strong enough vote that it cannot be vetoed and ask that it be done and a make up day be made up right now. I don't know how we go about that but some way we must look at the rules of Council to see what we can do that when something is urgent like that, that we can get it through this Council, whomever they will be in the future, be able to get it through efficiently when the Administration drops the ball.

The Chair:

We could, and probably should, if we want to talk about this issue in greater detail at the end of the meeting under Motions and Resolutions.

Michelle Madoff:

Well, it is such old business because ever since I've been here it's been an item coming up. It would seem to me that we need to discuss, under the leadership of the President of Council, what are we going to do. Are we going to waive Rule 8 to have it in writing and make it in legislation that we can talk about tomorrow and have it become law with our votes immediately?

The Chair:

Let's entertain motions at the end of the meeting in that regard.

Michelle Madoff:

Fine.

REPORTS OF COMMITTEES

(Pres't)

Mr. Cohen presented

AYES 8

NOES none

Bill No. 2872

Report of the Committee on Finance June 29, 1993 transmitting sundry resolutions to Council with an affirmative recommendation.

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Which was read, received and filed.

Bill No. 2790

Also, with an affirmative recommendation,

A Resolution entitled, "Resolution providing for the issuance of a \$810.00 warrant in favor of Anthony J. Sacco in settlement of claim for sidewalk damage."

Bill No. 2773

A Resolution entitled, "Resolution providing for the transfer of funds totalling \$400,000.00 from various Code Accounts as follows: Code Account 1978, (197806), Chemicals, \$150,000.00, Code Account 1927-9, (192799), Workers Compensation, \$50,000.00, and Code Account 1982, (198200), Rental of Equipment, \$200,000.00, to Department of Water, Code Account 1984, (198408), Repairs, Distribution Division, Department of Water."

Which was read.

Also,

Bill No. 2791

A Resolution entitled, "Resolution providing for the issuance of a warrant in the sum of \$4,120.00 to Robert DiCaprio c/o Richard E. Gordon, Esquire, Grossinger, Gordon & Vatz, 1000 Law & Finance Building, Pittsburgh, PA 15219, in full and final settlement of the action filed at GD92-8720 alleging personal injuries sustained due to a collision at 34th and Butler Streets on or about May 16, 1990."

Which was read.

Which was read.

The Chair:

The Chair:

Is there any discussion on the bill?

Is there any discussion on the bills?

And on the question, "Shall the bill pass finally?"

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen

Mr. Onorato

Mr. Ferlo

Mr. Ricciardi

Michelle Madoff

Mr. Smith

Mr. O'Connor

Mr. Wagner

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Ferlo	Mr. Ricciardi
Michelle Madoff	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 2793

A Resolution entitled, "Resolution providing for conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, 'Second Class City Treasurer Sale and Collection Act', effective December 11, 1984."

Which was read.

Also,

Bill No. 2794

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with Act No. 171 of 1984, 'Second Class City Treasurer Sale and Collection Act', effective December 11, 1984."

Which was read.

Mr. Ricciardi:

On Bill 2794, Item K, there needs to be further discussion in the neighborhood concerning a piece of property that is being sold across the street from a constituent. That piece of

property now is being used by other constituents as a throughway and I'd like more consideration. I'd like to delete Item K in 2794 for future discussion.

Mr. Darkins seconded the motion.

WHICH MOTION PREVAILED.

Also,

Bill No. 2795

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with Act No. 171 of 1984, 'Second Class City Treasurer Sale and Collection Act', effective December 11, 1984."

Which was read.

Mr. Smith:

In Bill No. 2795, I'd like a clerical correction. In Item D, although I would love to have the 18th Ward in my district, it is not in District 6 and I would like to address that clerical error.

The Chair:

Is that simply a clerical error, Mr. Perry?

Mr. Smith:

Item D in Bill 2795, it is noted as Council District 6. If we are going to give me the 18th Ward, I will be happy, but that is not in my Council District.

Mr. Perry:

That's a typo on the file copies.

The Chair:

Thank you, Councilman Smith, for bringing that to our attention.

Mr. Smith:

Okay.

The Chair:

Is there any further discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen
Mr. Ferlo
Michelle Madoff
Mr. O'Connor

Mr. Onorato
Mr. Ricciardi
Mr. Smith
Mr. Wagner
(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 2796

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Darryl Taylor, c/o Golden Lancers Junior Drum and Bugle Corps., Post #155, Greater Pittsburgh Council, Boy Scouts of America, 2400 Grant Building, Pittsburgh, PA 15219, in the amount of \$500.00 in payment for membership in the Explorer Post #155, Boys Scouts of America."

---(SPONSORED BY MR. DARKINS)

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen
Mr. Ferlo
Michelle Madoff
Mr. O'Connor

Mr. Onorato
Mr. Ricciardi
Mr. Smith
Mr. Wagner
(Pres't)

AYES 8

NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bill passed finally.

Mr. Darkins presented

Bill No. 2873

Report of the Committee Public Works on June 29, 1993 transmitting one resolution to Council with an affirmative recommendation.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2824

A Resolution entitled, "Resolution granting unto Shine on Emporium, 30 South 14th Street,

Pittsburgh, PA 15203, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, one double-faced business identification sign in the the right-of-way of South 14th Street in the 17th Ward, 3rd Council District of the City of Pittsburgh." ---**(SPONSORED BY MR. RICCIARDI)**

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Michelle Madoff	Mr. Wagner
Mr. O'Connor	(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Ferlo presented

Bill No. 2874

Report of the Committee on Planning, Housing and Development June 29, 1993 transmitting sundry resolutions to Council with an affirmative recommendation.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2801

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Miryam's for the payment of operating expenses and/or provision of essential services to the homeless under the State Emergency Shelter Grants Program."

Which was read.

Also,

Bill No. 2802

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Bethlehem Haven for the payment of operating expenses under the State Emergency Shelter Grants Program."

Which was read.

Also,

Bill No. 2803

A Resolution entitled, "Resolution providing for an Agreement or Agreements with North Side Common Ministries for the payment of operating expenses under the State Emergency Shelter Grants Program."

Which was read.

Also,

Bill No. 2804

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Light of Life Ministries for the payment of operating expenses

under the State Emergency Shelter Grants Program."

Which was read.

Also,

Bill No. 2805

A Resolution entitled, "Resolution providing for an Agreement or Agreements with YMCA of Pittsburgh - Centre Avenue Branch for the payment of operating expenses under the State Emergency Shelter Grants Program."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Michelle Madoff	Mr. Wagner
Mr. O'Connor	(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

Mr. Ferlo presents

No. 2880 Resolution that the reappointment of Bernice Cohen-Scott of 4352 Stanton Avenue, Pittsburgh, PA 15201 be and the same is hereby approved and confirmed as a member of the Human Relations Commission for a term to expire July, 1997, in accordance with Section 222 of the Home Rule Charter.

Which was read.

Also,

No. 2881 Resolution that the reappointment of Ralph Proctor, Jr. of 322 North Lang Avenue, Pittsburgh, PA 15208 be and the same is hereby approved and confirmed as a member of the Human Relations Commission for a term to expire July, 1997 in accordance with Section 222 of the Home Rule Charter.

Which was read.

Also,

No. 2882 Resolution that the reappointment of Constance Wellons of 120 Climax Street, Pittsburgh, PA 15210, be and the same is hereby approved and confirmed as a member of the Human Relations Commission for a term to expire July, 1997 in accordance with Section 222 of the Home Rule Charter.

Which was read.

Also,

No. 2883 Resolution that the reappointment of Alma Fox of 7124 Apple Avenue, Pittsburgh, PA 15206, be and the same is hereby approved and confirmed as a member of the Human Relations Commission for a term to

expire July, 1997 in accordance with Section 222 of the Home Rule Charter.

Which was read.

Also,

No. 2884 Resolution that the reappointment of Rabbi Richard Marcovitz of 327 North Negley Avenue, Pittsburgh, PA 15206, be and the same is hereby approved and confirmed as a member of the Human Relations Commission for a term to expire July, 1997 in accordance with Section 222 of the Home Rule Charter.

Which was read.

Also,

No. 2885 Resolution that the reappointment of Barbara Bruice of 2158 Wylie Avenue, Pittsburgh, PA 15219, be and the same is hereby approved and confirmed as a member of the Human Relations Commission for a term to expire July, 1997 in accordance with Section 222 of the Home Rule Charter.

Which was read.

Mr. Ferlo:

Mr. President, if I could explain. I'm basically introducing these names as reappointments. These are existing members of the Commission.

One of the individuals, Bernice Cohen-Scott, if you remember many years ago, I had appointed initially. That was in response to the failure by the Administration, the Mayor specifically, to make unnecessary appointment under the Charter. All of these names, apparently, also have not been reappointed nor have we received new names from the Mayor

regarding appointments to the Commission. According to the Charter, we do have the power under the Home Rule Charter, to make appointments past the 60 day period upon which the Mayor fails to either nominate or reappoint, based on her own prerogative.

I'm introducing these today for discussion purposes and I'd like them to be brought before Council where we could have an open discussion about not only these appointments but any other appointments that individual Councilmembers would like to make. All of these people, quite frankly, these Commission members, would like to serve again and they've asked that they be reappointed.

I don't want to get into all the politics right now going on between the Mayor's Office and the Commission, but for some reason there is some either fear that they will not be able to continue to serve on the Commission, and I just think it's appropriate to bring them before Council where we could have some discussion with them regarding their desire to continue to serve on the Commission.

I think I know every one of the members except for possibly one. All of them have served with distinguished records on the Commission. They've all assumed leadership positions at various committee levels and, in fact, they've all been very active recently on a year-long effort on collecting information and beginning to formulate a report which I think will be released to Council and the public regarding youth here in our City and the problems in our communities.

I just think it's appropriate that we give them due consideration for reappointment to the Commission and they basically have asked for this consideration.

Mr. Onorato:

Councilman Ferlo, can you clarify a point? Are their terms expiring, and on what date?

Mr. Ferlo:

Their terms expired more than 60 days ago. They continue to serve on the Commission but at any point they could technically not be on the Commission. I think they would like to, having just been through, I believe, and election process of the leadership of the Commission, they would like to continue to serve on the Commission. But they are serving past their previous term and it's past the 60 day period upon which Council has a prerogative to either reappoint or appoint new members and that's up to Council to decide. I at least want to bring it back to the table under the guise of reappointment.

The Chair:

Could I clarify something? Is this under the authority given to Council based on the bill I believe Councilman Cohen submitted a year or so ago?

Mr. Ferlo:

I don't have the Charter in front of me but there is a clause in the Charter on the 60 day failure to appoint unless otherwise stipulated by law. In the past we have made appointments to the Commission when the Mayor failed, for whatever reason, not to appoint. And it was on that basis that we're suggesting these reappointments.

Mr. Cohen:

You may be thinking of that magistrate's bill, and that actually is related to this because it

put the magistrates in line with the other Board and Commission members that says that if the Mayor doesn't reappoint within 60 days then Council has that prerogative.

The Chair:

Let me just clarify. Mr. Ferlo, is it your desire to have these people come in front of Council or for us to discuss this issue?

Mr. Ferlo:

I think as is the practice, I think they should come before Council and if there are other Councilmembers who have other nominees as opposed to the people that I'm presenting, I think we should consider it. I feel very comfortable, given the leadership role that all these individual have played, that they should be given consideration for reappointment. I think all of us have known Connie Wellons for many years, and I don't want to name all the names, but I think all of us have a working relationship with many of the individuals.

I have no problem either making the reappointment, if that's the will of the majority, bringing them before Council, or if there are other individuals that Councilmembers would like to see serve, we can pull one of those nominees and submit another name.

Michelle Madoff:

It seems to me that we serve no good purpose in not voting for these people who are already on the Commission that just weren't reappointed now that the 60 days are up. I can't see the Administration being upset, and I really don't care, if we just reappoint the people who have given their time and energy and have done an outstanding job and why would we go out and look for other people.

I would like to make a motion that we vote on them right now. What we do is create more problems by having a delayed process for the Administration to say, well, we're now looking for somebody, or to put names in and get rid of somebody and punish them when indeed these are good, hard-working people.

Mr. Darkins:

Mr. President, on the same subject. My strong feeling here is that we should do as we have done in the past in Council in matters and regards to the Administration. I think that a letter should be sent or we should talk to the Administration. It's not that we don't have the power to do what we anticipate doing, but I think it's just a matter of clarity that we have the right signals going at the right time. I think if we were to contact the Administration, the Mayor's Office, whoever it is in regards to these appointments—

I really don't have any objection to any of these people being reappointed, but I just think it's a matter of protocol. That's all.

Michelle Madoff:

May I just respond to that? I think the issue here is that if it were something that we were just discussing that was fresh and new and new people, I would say yes, give the Administration the courtesy of knowing our intentions. But they know what they've done. And if we don't do something to correct it, it's just going to go on and on and get worse.

I suggest that we act responsibly and act quickly and swiftly to put these people's minds at rest so they know where they are. They've made the commitment to us, they don't make other commitments, and I think it's unfair to keep them hanging. And again, I make the motion that we vote on it today.

Mr. Smith:

Mr. President, I believe it was two weeks ago at a Committee Meeting when we had a nominee for the Human Relations Commission at our table that I made a request that we get a list of the present members, their terms, and any vacancies that exist. And I'd like to know if anyone received a copy of that, for I have not, and I'd like to ask the City Clerk if he has received such a copy.

Mr. Perry:

We have our own copy.

Mr. Smith:

I asked for this information at the table, although I have no problem with a number of the names that I recognize and know personally. I'm a little miffed that my request has not been fulfilled to know how many vacancies there are. I find this very shocking that we have this number of expired terms presently on this committee. And I'll be very honest, I'm ready to abstain on any of this until I get the information that I asked for two weeks ago at the Committee Session.

I just want to say that I think that all of these boards and authorities that have vacancies and expired terms need to become a priority for this Council.

The Chair:

I'd like a list of all the terms that have expired, who is serving, who is not serving, and ask Council what we want to do with these.

Mr. Ferlo:

First of all, I believe I recall the request from Councilman Smith and that request was

made to the Director of the Commission. But I believe she indicated that she would forward that information. I did not receive it; I don't know if others did. These individuals came to me regarding their reappointment. My initial desire is only to submit them for consideration and have them come before this Council, and that's what I would like us to consider doing.

The Chair:

Is there a will to have any of these people come in front of Council?

Mr. Ferlo:

My motion is that all of them come, and in the interim, as Councilman Darkins suggested, we could hear any other concerns from the Administration or other Commission members.

Mr. Cohen:

I certainly support the motion; I think they all should come before Council.

I do have a question for Mr. Ferlo, he may know, and that is with the new Chairman of the Human Relations Commission, Mr. Gene Baines, whether or not his term has expired or not.

Mr. Ferlo:

Mr. Baines is up in August. He is also concerned about his tenure on the Commission. But we had no legal power to act regarding his appointment.

Mr. Cohen:

So his term is up in August. He came to me as well.

Mr. Onorato:

Councilman Smith, I have to agree with him. He brings up a good point. You probably have at least three members here that did not have a chance to have these individuals come in front of us and vote for these appointees. I'm just saying that for any future appointees to any other commission.

I would like to see the resumes again, have a chance to talk with them, especially since we're appointing somebody up through July of 1997. I don't think we should just be rubber stamping reappointments when we don't even know these individuals. And I'm sure I'm not the only one that doesn't know every name on here. I know some of them but I don't know all of them and I'd like to see who the individuals are and know a little more about them.

The Chair:

Procedurally, we have always, if one Councilmember wants someone to come in front of Council, we have granted that privilege.

Mr. Ferlo:

I want to clarify. First of all, I'm introducing these at their request for consideration. We need resumes from them, we need discussion, as well if there are other individuals that respective Councilmembers have who they feel would also make a contribution to the Commission. That's no problem with me. I just want to move this along so that we don't have any vacancies on the Commission and that those who are wanting to continue to serve are given due consideration.

The Chair:

How about if we have these people come in front of Council a week from tomorrow, and

during the interim get the data necessary to appropriately evaluate the vacancies?

Mr. Ferlo:

That's fine with me.

Mr. Smith:

I'd appreciate that.

The Chair:

All in favor? Opposed?

WHICH MOTION PREVAILED.

Mr. Ferlo:

I would ask the Clerk's Office to just contact the individuals, as Mr. Onorato and Mr. Smith requested the background information.

Michelle Madoff:

Back to where we were with the garbage.

Mr. President, you do see in the years you've been here, a need before you leave Council and I leave Council, that we leave some kind of a legacy that might be productive for other Councils, that we create in the Rules of Council an emergency statute whereby that if we introduce legislation and it takes a week or so, by then the garbage will be picked up, rotting, and people have suffered through it and there's not much we can do.

We need some mechanism not only for this kind of thing but there are other emergencies that come up whereby Council can meet on an emergency basis and introduce and vote on legislation. I think it's terribly important. This is an emergency. It's 100 degrees out there and rotting garbage and people not getting their

garbage picked up and are told to keep it another week. And there are some other things that come up from time to time that are emergencies. And I have one that I want to talk about when I get this one through.

It is at the will of the President. Should we just leave that in your hands to see what you want to do about reintroducing legislation or how you might want to handle it?

The Chair:

I am in full favor of legislation requiring the Administration to pick up refuse either the day of or the day after, or within a reasonable time frame, of Memorial Day, July 4th and Labor Day.

Michelle Madoff:

Fine. And you're going to introduce that legislation. I'm sure everybody would agree with you here and hopefully it's a unanimous piece of legislation. But it doesn't address what the people are going through today.

The Chair:

And I believe if it is the will of Council to deal with that issue immediately, we should introduce legislation and have co-signers as quickly as possible.

Michelle Madoff:

Let me suggest that. If I introduce a motion now to waive having the legislation in writing, can we do it for tomorrow? Can it be introduced tomorrow?

The Chair:

No, it can't be. We could have a piece of legislation drawn up and put in writing and introduce it and suspend Rule 8.

Michelle Madoff:

Tomorrow?

The Chair:

Today.

Michelle Madoff:

I wouldn't even mind if it were tomorrow.

The point is that this is how they get us all the time. They do that on the Human Relations Commission appointments, they do it on everything. It's a control mechanism. So the people suffer.

The Chair:

Let's put it this way. The legislation would not pass until next Tuesday anyway. Therefore, it would not require the Administration to do anything about yesterday.

Michelle Madoff:

And the will of Council, a unanimous vote, won't make them do it either. I hope people understand that the Council cannot make the Administration do what they don't want to do.

Mr. Onorato:

Since Michelle is making reference to a time frame here, would it be better to ignore the legislation and have Director Walluk give us a response today of what he could possibly do for the situation? Since you're worried about today.

Michelle Madoff:

The point is, Director Walluk will get information or direction from the Mayor and the

Mayor will say, "No way, Hose."

Mr. Onorato:

I think we can ask for a response by the end of the day. If they can do it or if they can't do it, at least we'll know one way or the other.

Michelle Madoff:

I couldn't agree with you more.

The Chair:

Then let's do it in the form of a motion.

Mr. Onorato:

I move that we call Director Walluk and ask him what the situation is about the trash that was not picked up yesterday due to a holiday, and is there any way we can pick it up within the next day or so. And, if not, what can we do in the future for holidays.

Mr. Ricciardi:

The question I have for Michelle Madoff and possibly Mr. Onorato, are we talking about the garbage that was not picked up because of the holiday across the City? For example, in the South Side of Pittsburgh our normal day is Monday for pick up. So, are you saying now that the people who miss their day should not wait a week but instead have their garbage picked up the next day?

Michelle Madoff:

You got it.

Mr. Darkins:

Mr. President, in that this is my department, number one, I just think that news

media has made such a picky thing about this garbage pick up. It's all blown out of proportion.

And with all regards to you, Michelle, because it is your Council district on Mount Washington, let me get through with what I have to say, I just think that they blew it all out of proportion. This is nothing unusual that has happened in the past. At Christmas, at Thanksgiving, the Department of Public Works carries out these normal procedures and I think that if you want to address the Director, if you want him to come in or a special pick up, then we should do so. But I just don't think that we should just let them take this as an item that they're going to knock on or pick on. I think it's wrong.

Michelle Madoff:

I think you misunderstand. I have been raising this issue for 15-1/2 years -

Mr. Darkins:

I usually agree with you, but I'm not agreeing now.

The Chair:

From a procedural point of view, there is nothing Council can do about yesterday. And we may as well accept that.

Can we deal with the future? Yes. So, all we really can do is, through a will of Council or a request of Council, ask the Public Works Department to take a good hard look due to the unusual circumstances of the high heat this week, at the lack of refuse collection over a holiday and the people having to keep it two weeks.

Mr. Onorato:

On my motion, before we move on it, let me clarify something because maybe I'll

withdraw it if I misunderstood something. Yesterday was the holiday. Are we talking about trash that was put out because individuals didn't realize that it wasn't supposed to be picked up? Or are they on notice that tomorrow they don't have pick up?

Michelle Madoff:

They are on notice. But the amount of garbage that piles up during a holiday because people entertain or have people over for the July 4th or July 3rd fireworks picnics, they cannot wait a week. I don't care what district of the City it is. And I have been saying this for over 15 years, right Mike? Thank you. And Mr. Wagner has talked about it for over 8 years. We cannot wait. We need some legislation that does not allow people to have to keep their garbage for two weeks.

The Chair:

Is there still a motion? If there is, we have to deal with that motion.

Mr. Onorato:

If Reverend Darkins doesn't mind, I'll just make a motion to discuss with the Director the situation. We're not telling him to do anything; we just want to have some input.

The Chair:

A meeting this afternoon?

Mr. Onorato:

Or a response from him this afternoon. I don't know if everyone can make a meeting this afternoon.

The Chair:

There is a motion for a response from the Director of Public Works today in regard to the trash situation pertaining to yesterday. Is there a second to that?

Mr. Smith seconded the motion.

Mr. Smith:

I would like that discussion to include does my district that has Tuesday and Wednesday pick up get skipped —

Excuse me, there are actually limitations to what we can expect any human to do given time and equipment. And if the people aren't there, I want to make sure that my district does not suffer when Tuesday is their pick up and for someone else who did not put their garbage in a sealed container and is jumping up and down who can purchase these containers, I own four, for the several times this happens in my community. I want to make sure that the response comes with the addressing of the issue of does some other community suffer if we go and do a special pick up in any area that has a Monday pickup.

The Chair:

It shall be dealt with in that fashion. Let's not complicate this.

Michelle Madoff:

Clarification. We're talking about paying the men overtime to have them pick up on the special day and that's why the Administration doesn't want to do it. And I'm suggesting that this is not new. This Council unanimously has always supported picking up every week. And we've always said if we have to pay overtime, let's do it, particularly in this kind of weather

because it is a terrible burden to have that festering garbage. We use to have it in the back yard and now it's on the street and yet people are supposed to keep it for a week. Where do you keep it in this weather?

Mr. Ferlo:

I have no problem supporting the motion but, as Councilman Smith correctly states, we start a chain reaction. What we should do is introduce a bill, rationally talk about it, and have some time period where the Administration can react. This comes up every year, at least for the five years that I've been here and a lot longer. It wasn't always the case 15 years ago that this was the situation. I believe it's within my tenure, or shortly after I got elected, that this past Administration, the Caliguiri Administration and the Masloff Administration, changed the summer pick ups. Actually, it's more than just the summer pick ups; I believe there's about 7 days where the holiday situation is a problem. It's the most grievous during the summer months when the garbage mounts.

But you can't just start off a chain reaction. The workforce is limited as it is. We're also talking about double time, not overtime, but double time being paid on the holidays.

I had proposed this system several years ago regarding a 10 hour day, 4 day work week, in order to not have the problem of people having to leave out the garbage. That was not negotiated during the collective bargaining process. And that's another issue that we have to deal with, the collective bargaining agreement.

I just think we should introduce a bill, bring it up for rational debate and discussion, and get a reaction from the Administration.

I don't want to start sending messages out through the media now that people are going to

start putting their garbage out and leave it there. People have their garbage out right now and they know it's not going to be pick up. It's their responsibility legally to put it back on their property and not leave it out on the street. We're going to have a really messy city if people get the wrong signals from the media today. They think they're going to leave their garbage out and some magical person is going to come by and pick it up. It's not going to happen.

The Chair:

This Council does not have the power to deal with the situation yesterday. We can only inquire from Public Works. Through legislation we can deal with the future.

Mr. Ferlo:

Thank you.

The Chair:

All in favor? Opposed?

WHICH MOTION PREVAILED.

Michelle Madoff:

Mike, will you draw up the legislation?
Thank you.

Next subject. On July 3rd, fireworks night, after the fireworks, I heard the next day that there was somewhat of a riot. I don't know if you'd call it a riot but some big fights going on on Mount Washington going down McArdle Roadway onto Merrimac. It seems it must have been a racial kind of fighting between youngsters. Boys, girls, blacks, whites. And it was so bad that the owners of the properties stood outside with their guns and say, "You get off my property" because they were taking chairs and picnic tables and whatever on the property and

tearing it up and hitting each other with the material. It was really quite bad.

The people called me to say, why didn't we have police up on Mount Washington because, after all, the streets are jammed. There were 150,000 I believe down at the point, and you must have had a good size number of people, thousands, up on Mount Washington.

Now, the interesting part of this, and I bring this to the attention of the Safety Committee, Dan Onorato, my building had four, not one, two or three, but four off-duty police officers that we paid to watch our building because of fireworks and the building catching fire with wood on one side of the building. We could perhaps have had one police officer, or none, and have had the kind of police that are not overtime. We could have had security officers and not off-duty police.

It seems to me that when we have that many people out in the heat and the kids hanging out on Mount Washington, that we do need some police security. It's the same old story when we talked about having ambulances up on Mount Washington, having some fire truck up there for emergencies, because he can't get up there. There's no way you can get there from here, so to speak. And it became a very serious issue. When the neighbors start taking out their guns and pointing them at children, I think we need to have an Administration that puts off-duty police on duty, nobody off duty on those kinds of nights.

That brings me to the point reiterating and asking now that we do it officially as part of legislation. There is existing legislation right now, as we all know, that says that parks must be vacated at 11:00. The Grandview Avenue view side is a City park. I've asked that it be posted and, of course, we've been ignored.

Mike, would you please introduce

legislation immediately asking that we post that park yesterday. What it means is that everybody has the right to walk through the pathways of any of our parks, so they can walk on Grandview Avenue on the view side. But they can't hang out there and harrass people and spit in the eye of our police officers. One of the police officers asked youngsters to leave the Library steps and they just ignored her. She had to call for back up help. This is insanity.

We need to have our police officers out during high-density population nights, and we need to have Grandview Avenue Park posted no loitering, no being in the park after 11:00. Everybody has agreed to it. Reggie Young, Lou DiNardo. The propblem I'm having is with the Chief of Police. He thinks that it is unconstitutional. It is not unconstitutional or difficult to enforce; it's the law and it has been the law. And it's terribly unfair to the people who live up there and it's unfair to people who are abutting other parks in this City.

So, if the only way we can do it is through legislation, let's do it.

Mr. Ricciardi:

On a different issue. For some time now, Mr. President, we've heard that we need increased police visibility in our central business district, a neighborhood of commercial establishments and residential dwellings and neighborhoods represented, by the way, by Christopher A. Smith.

We've often been criticized, and the Chief of Police has often been criticized, for a lack of police in Downtown Pittsburgh. I would just like to say that on Friday evening I had an opportunity with my wife to attend a performance at the Benedum Center and we walked from Grant Street to the Benedum and, after the performance, walked from Benedum back to

Grant Street to our vehicle. And let me say there were police all over Downtown Pittsburgh. It was well represented by the Police Force and there was high police visibility beginning with the outside of Benedum Center to Smithfield Street, up Forbes Avenue and over Grant Street.

I'm just listening to some of the news reports today and some yesterday that we're talking about maybe having police officers on horses. I just hope this is not a knee jerk reaction. Across this nation it's often been stated that you have police officers on horse back for crowd control. I guess what I'm trying to say is that I'm hoping this is not a knee jerk reaction. I do see increased police visibility in our central business district, and before we make a move to put police officers on horse back, I hope it's one that we'll have much discussion with Christopher Smith who represents the central business district, with Mr. Onorato who chairs the Department of Public Safety, and with all of us because when we pass the budget, obviously, we talk about C.O.P. Community Oriented Police Officers, we talk about beat police officers, we talk about extra expenses, Mr. Wagner, for something that you have been an advocate of and that is K-9 officers. At no time in the past did we talk about officers on horse back and I'm not sure that's the way to go.

So, my first reaction is that I hope we have much discussion before a move like this is put into action. Thank you.

Mr. Onorato:

First, I'd like to start off by saying that I owe an apology to Councilman Chris Smith. I have a letter in front of me dated June 16, 1993 that was addressed to the Mayor from Jacques Kahn and I'm looking at it here. President Jack Wagner was cc'd in, I was cc'd in as Chairman of Public Safety, along with some of the GTA members. Councilman Smith was not cc'd on this letter. This was after he was sworn in and he does

represent the Downtown area.

A lot of you may recall at a Council session three weeks ago, that was a Tuesday session, I asked in response to this letter that Public Safety Director Lou DiNardo tell this Council what the plan is for Downtown in increased police. That's what the letter refers to, where are all the police. I asked if he could have a meeting within 14 days. That was my specific request.

Well, a meeting was scheduled and a notice went out, and once again I noticed that the memo about the meeting, Council President Jack Wagner was cc'd in, I was cc'd in, the Mayor was cc'd in, Turner was cc'd in. Once again, Councilman Smith was not cc'd in. That was of last week.

So, I sent a letter out to Jacques Kahn and I will give a copy to Councilman Smith to make sure from now on that anything Downtown goes through Councilman Smith's office. Downtown is one of those unique areas where I think everyone sitting at this table feels that it is the bedroom of the City and that we all care about Downtown. Even though I chair Public Safety, I know Councilman O'Connor was very strong on some of the police ideas Downtown and Councilman Cohen had some ideas too. But now that the district is represented and we have a new Councilman sworn in, once again, I say to you, Councilman Smith, in the future we'll go through your office regardless if it's Public Safety or Parks, whatever it is Downtown, and I will make sure that these memos go to you and that we get cc'd in appropriately as the Committees that we chair.

The Chair:

When is that meeting, Councilman?

Mr. Onorato:

There's going to be a follow up meeting that has been scheduled.

Mr. Smith:

Mr. President, that meeting has already occurred. I was not notified by any of my colleagues that they were meeting with my constituents in my district, and I think one month after being in office everyone should realize that I am here and that I'm a part of this district and should be included.

I am still miffed at being ignored in my district and especially around the edges of my district with communities. And I just want to say on the record that I'm here, the people put me here, and if I don't get cooperation I can be very uncooperative with my fellow Councilpersons. I am the only Councilperson that touches all but one district on their edge and I would like to develop and foster a very positive relationship with all the districts that touch my district. I just feel rather miffed that this is the fourth time since I've taken office that I have been excluded on occasions of meetings of my constituency and I just want the Record to reflect that I think that we ought to attempt to foster a positive relationship because I do touch seven other districts.

Mr. Onorato:

I agree 100 percent. I just want to reiterate that the letter that was sent to the Mayor, I asked that request here in front of this body and I guess the mistake that I made was that the memo about the meeting came from the Golden Triangle, not from my office, and I assumed everybody had a copy of it. I was wrong in that assumption.

The Chair:

Me also. If I would have noticed it, Councilman Smith, I would have made sure you had a copy of the letter. Please make sure that we're all aware of when the next meeting is.

Mr. Onorato:

It is common for the Golden Triangle to send us all copies usually.

Mr. Ricciardi:

I just hope that my initial concern is not lost and I would like to attend some of these meetings because I do have a concern about putting police officers on horse back in our central business district.

Mr. Ferlo:

On the horse issue, I just want to make sure the Administration is not attempting to buy the horses through the Equipment Leasing Authority.

Michelle Madoff:

I just want to leave Mr. Smith with one

thought. Now you know what it's like to be miffed for a very short period. Try it for 15 years with an Administration.

The Chair:

I think it's very important that Council, and this tails from your point, that we get an update on the number of police officers that are assigned to each and every zone presently based on the recent new hires. We are getting very close to the allotted number of police officers and we all have been understaffed in each of the zones, and that information should be provided.

Mr. Perry, if you would please request that as soon as possible, including the Downtown because Downtown is truly Mr. Smith's Council District but it's all of our second Council District because the people from all Council Districts work in the Downtown and we're all very concerned about it.

Michelle Madoff:

It's the living room of the City.

And on the motion of Mr. Ferlo

Council adjourned.

MUNICIPAL RECORD

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Municipal Record

ONE-HUNDRED TWENTY-SEVENTH COUNCIL

JACK WAGNER President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON-WASLER.... Asst. City Clerk

Pittsburgh, PA
Tuesday, July 13, 1993

PRESENT:

MR. COHEN	MR. ONORATO
MR. DARKINS	MR. RICCIARDI
MR. FERLO	MR. SMITH
MR. O'CONNOR	MR. WAGNER
	(Pres't)

ABSENT:

MICHELLE MADOFF

The Meeting was opened by the recitation of the Pledge of Allegiance to the Flag of the United States of America, and a moment of silent prayer for peace throughout the world.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Ferlo:

Thank you Mr. President. Members of Council I would like to present the following resolution and as part of it we have two special guest here from Washington D.C. from the Cuba Interest section. We are also pleased to have Lois Grimes here from the Communications Workers of America, Local 13550 here in the City of Pittsburgh. So I would like all of you to come forward as well as Lisa and Doctor Mareno. If all of you can come up here.

Our international guest here today did present a letter from the Cuban National Assembly which is their congress to President Wagner and we can maybe briefly talk about that following this resolution.

Mr. Ferlo presents

No. 2907 WHEREAS, despite the end of the cold war era and despite the urgings of the United Nations General Assembly, the American Public Health Association, the World Health Organization and the United Council of Churches, the United States has maintained and even strengthened its embargo against Cuba; and

WHEREAS, this Council earlier recognized the need to end the harshest embargo ever placed against any nation by declaring the week of July 11-19, 1993 to be United States - Cuba Friendship Week in the City of Pittsburgh;

and

WHEREAS, as a result of the unjustified trade embargo and other unnecessary hostilities between the United States and Cuba, four hundred (400) international operators from American Telephone & Telegraph Company will be losing their jobs here in Pittsburgh; and

WHEREAS, the American people and the Cuban people are both suffering from a trade embargo which is one of the last vestiges of the cold war era and which has now needlessly cost the loss of four hundred (400) jobs in Pittsburgh.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Pittsburgh that the Clerk be directed to send a copy of this resolution to the President of the United States beseeching him to end the trade embargo against Cuba which has adversely impacted our local economy; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh hereby officially supports the efforts of Local 13550 of the Communication Workers of America and AT&T Officials in their efforts to normalize relations with Cuba.

Mr. Ferlo moved to adopt the resolution.

Mr. Ricciardi seconded the motion.

Which motion prevailed.

Mr. Ferlo:

Thank you very much Mr. President. We have with us and I thought maybe what I could do is bring up Lois Grimes first to receive the proclamation. Lois is president. She is an operator herself. She is President of the Communication Workers of America here in the City of Pittsburgh Local 13550. I'd like her to

accept the proclamation and just give us an update on what's happening involving the threat of individuals losing their jobs. Then I would like to introduce our two guest from Washington D.C. Lois.

Lois Grimes:

Thank you. Thank you very much for having us here this morning. Good morning. As Councilman Ferlo said I am President of CWA Local 13550 here in Pittsburgh, Pennsylvania. My membership consist of approximately two thousand bargaining union people. Of that number about half of those people are international operators. At the AT & T Center here in downtown Pittsburgh. Four hundred of those people will be losing their job. Approximately 200 by this Friday another 200 by October 2nd.

We deal everyday with Cuba customers. We hear the strife that these people have incurred. The difficulty and the injustice that they see and witness on a daily basis. I have written to our Congressman and our Senators from Pennsylvania urging that they re-examine the embargo. CWA Local 13550 supports the embargo being dissolved at this point in time. For not only the good of the American People but the good of the Cuban people who deserve a better life style and a better quality of life. Thank you very much Councilman Ferlo.

Mr. Ferlo:

To my far left we have Dr. Jose Mareno from the University of Pittsburgh who has been very active with the U.S. Cuba Friend Shipment Caravan which yesterday loaded closed to a million, one ton excuse me, I wish it was a million, one ton of humanitarian aid, I believe medical supplies and other kinds of donations from Pittsburghers which will be traveling down

as part of the Friend Shipment caravan and we also have Lisa Valenta here from the U.S. Cuba Friend Shipment Caravan and from the coalition who had press conference yesterday here in Council Chambers.

To my left and I would like to bring up for a comment, to my immediate left we have Jose-Ramon Mendez who is from Washington D.C. with the Cuba Interest Section and to his right and I would like to bring up we have Bernardo Tusciano who is the first secretary of the diplomatic session, the Cuba Interest Section and from Washington D.C. and he did present a letter earlier to President Wagner from the National Assembly which again I pointed out which is equivalent to the U.S. Congress in Cuba.

At this time I'd like to welcome and show our support and our warm friendship to Bernardo Tusciano and let him say a few words.

Mr. Tusciano:

Good morning everyone. First of all let me tell you thank you to allow us this opportunity to address to this meeting in the morning. I will use this opportunity that we are visiting Pittsburgh to address to this City Council meeting and to fast for friendship with the Cuban people when you pass your resolution last May 25th regarding to improve the friendship between Cuban people and U.S. people. So for the recent I will like to use this time to on behalf of my colleague Mr. Mendez and myself to tell you thank you for inspiration of friendship with Cuban people. Thank you very much.

Mr. Ferlo:

Did you read the letter?

The Chair:

Yes the letter has been passed out to all

Members of Council and Councilman if you would like me to read it I will.

Mr. Ferlo:

Sure.

The Chair:

The letter reads as follows:

"We have know with high interest and great pleasure about the resolution taken by Council you preside in which the blockade and the Torricelli Act are condemned, it makes a call to the citizens of Pittsburgh to support activities of solidarity with Cuba and declares the days of July 11th through July 19th as a week of friendship between Cuba and the United States.

In the face of this brave and solidarity gesture. I want to express our greatfulness to your Council with the hope that in the future we could find ways and means which could facilitate the development of exchange relationships between the two peoples.

Sincerely,

Ramon Pez Ferro"

Mr. Ferlo:

Thank you Mr. Wagner. Again I just want to thank the U.S. Cuba Friendship Coalition for their hard work in getting the Caravan organized. Mr. O'Connor I believe you have a comment.

Mr. O'Connor:

I certainly commend everybody's effort especially being friends with the Cuban people. I have some friends in the area. I certainly salute

the humanitarian efforts sending through and certainly don't like to see anyone lose their job whether it be Pittsburghers or people that work in Cuba the AT & T.

I was curious. I still remember Mr. Castro pointing missiles at our cities 90 miles from our cities and he is still in power. The only reason he was forced to back down by John Kennedy. I just have a problem with that person not the Cuban people. I'm sure the Cuban people would much rather not had him here and I'm sure they would be better prospered much better. I just wondered where the Congress or will he ever be removed. The question to either one of you or do they still support him the congress and the people or are they forced to.

Mr. Ferlo:

I don't know if you want to spark an international debate but if you have a comment, Fidel is probably one of the few politicians that come out and speak at a rally with a million people. I don't even know if our own President has that kind of support.

I think the real issue is not what is happening in Cuba regarding their own sovereign rights having a socialist economy and whatever they're doing versus what we are doing. In fact you had pointed about the missiles. We also have a lot of missiles pointed to Cuba and to other countries, Soviet Union within Eastern European former Eastern European block.

I think the real issue of the essence of what we're trying to say here is that we have a new opportunity as we go into the 1990's into the year 2000. To really end the cold war era on both sides. That if we want to influence democratic principals within Cuba I believe very strongly in my heart the way to do that is with our technology, our medicine, our education, our cultural ability, our cultural assets and the other

kinds of opportunities that this country can offer not only to Cuba but other Third World countries.

Maybe we even have something to learn from the Cuban people also. I don't want to get into a long debate here but I'm very active formerly in the American Public Health Association. In fact until there was a fundamental change in Cuba's economy there was no health care for the indigent and for poor people. In Cuba today they have actually had national public health service that if anything would be a model for what we want to do in this country.

Again, I'm not saying that there shouldn't be criticisms levied at the Cuban people for their choice of electing Fidel Castro. I think that's an internal matter within the democratic rights of the Cuban people to decide what they need to do.

I would only stress to this Council that we really need to start talking about ways to normalize relationships with countries. To use as an example we have condemned in this Council, at least many of us the actions of the Chinese Government within the last few years regarding Chinamen's Square. In fact the world banking community lead by the United States gave China a favored nation status to help them out economically. So there are many contradictions in our foreign policy.

I think what many of us are saying is let's have some consistency. If we can trade and extend a favored nation status with all of its billions to the Chinese government and others I can go on and on. I think we're talking about a country that's 90 miles off of our shore that ethnically and fraternally has a lot of ties to many people even within the State of Florida and throughout the southwest.

So the issue is what do we want to project in the future. Do we want to continue the wasted

expenditures of a military expenditures either on the part of Cuba or the United States. Or do want to try to refrain the old cold war mentality on each side and start dealing in a new and enlightened a way. I hope that we would consider doing that independent of your concern about Fidel remaining President of Cuba.

Mr. O'Connor:

I certainly support the efforts of the Cuban people for helping the people.

Mr. Ferlo:

I applaud you for pointing out your support of the Cuban people. Thank you very much Mr. President and Members of Council.

The Chair:

Thank you all for being here.

Mr. Ferlo:

I'd like to have our friends from the AOH, Marty Madigan and I think you have a few guest with you. I know Councilman O'Connor will be at the communion breakfast this week and I hope that he will be able to address the group and present the proclamation. I know you have a number of officers here today so we made eight copies. On behalf of all Members of City Council I'd like to offer the following resolution.

Members of Council present

No. 2908 WHEREAS, on July 14 - 17, 1993, the Ancient Order of Hibernians, willhold its 87th Biennial Pennsylvania State Convention here in Pittsburgh at the Sheraton Station Square Hotel; and

WHEREAS, the Ancient Order of Hibernians is a non-profit, Irish fraternal

associations which together with the Ladies Ancient Order of Hibernians is involved in a variety of activities and charities designed to promote Irish-american pride and activism; and

WHEREAS, the Ancient Order of Hibernians helps fund scholarships for worthy students to the University of Notre Dame, Trinity College in Ireland and Carlow College here in Pittsburgh; and

WHEREAS, the Ancient Order of Hibernians also sends donations to the Columbian Missions to assist the Third World underprivileged populations and is active in immigration law reforms; and

WHEREAS, the Ancient Order of Hibernians participates in and sponsors many social and cultural events designed to perpetuate the music, customs, traditions and rich spiritual history of Irish people all over the globe.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Pittsburgh that July 13th to July 20th, 1993 be declared "Ancient Order of Hibernians Week" in the City of Pittsburgh; and

BE IT FURTHER RESOLVED, by the Council of the City of Pittsburgh, that the Ancient order of Hibernians and the Ladies Ancient Order of Hibernians are hereby officially acknowledged and congratulated, on this, the occasion of their 87th Biennial State Convention.

Mr. Ferlo move to adopt the resolution.

Mr. Ricciardi seconded the motion.

Which motion prevailed.

Mr. Ferlo:

Thank you very much. Again, I did want

to stress that all Councilmembers joined unanimously in presenting this proclamation. We welcome your guest from around the state if not from around the country and maybe even from around the globe. At this time I'd like to introduce Marty Madigan from the AOH and you can introduce your guest also.

Mr. Madigan:

Thank you. At this time I'd just like to thank City Council and Councilman Ferlo, Councilman Bob O'Connor and Councilman Jack Wagner. They're members of our organization and not only for the proclamation this morning but all the support the Mayor and Council in particular has shown us in the past.

We have a lot of good friends here in this Chamber and hopefully this convention for us will be fruitful and we'll be able to show our brother delegates throughout the entire state what Pittsburgh truly is made out of. Our motto is friendship, unity and Christian charity, so we'll try to portray that this weekend. Thanks so much.

At this time I'd like to introduce Judy Coyne who is one of the Chairmen for an event that we will be holding. Thank you.

Ms. Coyne:

On behalf of the ladies AOH, I'd like to thank Members of Council for all the hospitality they've extended to our organization and for helping to make our 87th Biennial Convention the best. Thank you very much.

Mr. Ferlo:

Again I think President Wagner maybe at the breakfast, possibly Mr. O'Connor and I know you'll be conveying the proclamation on behalf of this body. Thank you.

We have one resolution to be read into the record regarding the Orpheus Singing Society. This is under the small games of chance legislation pursuant to the Pennsylvania Code. At this time I'd like to make a motion to accept the resolution regarding the Orpheus Singing Society.

Mr. Ferlo presents

No. 2909 WHEREAS, the Orpheus Singing Society, located at 6301 Butler Street in the City of Pittsburgh is an independent, not for profit civic and cultural organization; and

WHEREAS, the Orpheus Singing Society has been incorporated in the Commonwealth of Pennsylvania since 1887, and has been granted exemption from Federal income Tax under Section 501(c) of the Internal Revenue Code; and

WHEREAS, the Orpheus Singing Society desires to operate certain small games of chance and/or conduct raffles to generate funds to finance its operations and further its purposes.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Pittsburgh hereby recognize and declare the Orpheus Singing Society to be a civic organization within the context of the Pennsylvania Small Games of Chance Act, as amended.

Mr. O'Connor moved to adopt the resolution.

Mr. Smith seconded the motion.

Which motion prevailed.

Mr. Ferlo:

One last resolution. Take two on the

teamsters and Fisher Scientific. I'd like Bill Gross to come up here and see if we can get this one through. I'm not going to give you this proclamation yet. We'll see what the will of the body is here.

Mr. Ferlo presents

No. 2910 WHEREAS, the Citizens of the City of Pittsburgh have suffered serious economic and other hardships from the rising costs of health care; and

WHEREAS, Fisher Scientific, a leading distributor of medical equipment, instruments and laboratory supplies earns huge profits from the medical community, a factor that has contributed to health care costs rising at a rate significantly higher than the rate of inflation; and

WHEREAS, Fisher Scientific offered their distribution plant employees in Springfield, N.J. the ultimatum of accepting a 450% increase in the employee contribution to the health insurance premium, or going out on strike; and

WHEREAS, After rejecting a lower-cost, alternative health insurance program presented by the International Brotherhood of Teamsters which would have saved the company \$600,000 over 3 years, Fisher Scientific permanently replaced those 77 long-service experienced workers; and

WHEREAS, Employers who resort to permanently replacing their employees violate a social contract that has long been understood within the Pittsburgh community; and

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh sends a copy of this resolution to the Fisher Scientific Company informing them that their action of permanently replacing long-term employees violates acceptable labor relations

standards.

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh redouble its efforts to communicate to Fisher that this situation with the 77 locked out workers can and must be resolved.

Mr. O'Connor move to adopt the resolution.

Mr. Ricciardi seconded the motion.

The Chair:

Before we vote I just want to mention and I know Councilman I don't want to create a big controversy. But I'm not supporting the resolution and in not supporting it I don't know what the opinion of other Councilmembers are. I don't think we should be involved in labor disputes that are 400 miles away from the City of Pittsburgh.

I don't know both sides of the issues in this dispute. I know Mr. Gross is here to receive it and I appreciate that. I know Mr. Gross. I know that he does not represent these people. It's another individual within the teamsters. I don't think it's in the best interest of this legislative body to become involved in labor disputes of which we don't know both sides of the issues and they are not within the boundaries of the City of Pittsburgh.

Mr. Ricciardi:

Very briefly. In the past this City Council has supported a resolution that would ban permanently replacing men and women that were striking for any type of benefit. In this case it appears a health care benefit.

Matter of fact the Work Place Fairness Act right now has passed the House of Representatives and hopefully will come for a

vote in the Senate of the United States of America. I believe in myself in supporting this resolution that this is just a continuation of the past resolution where we believe that there should be fairness in any type of process, be it work related or be it strike related. That is the reason I feel very comfortable with this resolution today.

Mr. O'Connor:

Mr. President I agree with you on most issues. I feel this body should not get involved in management/labor relations even if we all support one or the other because it certainly sends a negative message to the other side.

I will support this today because its worded more to redouble its efforts to communicate to Fisher that there's a problem. So that's why I will support it today.

The Chair:

Let me just finally add I don't think anyone has communicated verbally with Fisher in regard to this issue. That's what disturbs me. Is that we put things in writing without making a phone call. When in fact they are two blocks away from this building.

They're corporately based in Pittsburgh. We should have good communication with our corporations. I don't think this is the right way to communicate with our corporations.

Is there any further discussion on the motion?

An on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Darkins
Mr. Ferlo
Mr. O'Connor

Mr. Onorato
Mr. Ricciardi

AYES 5

NOES 1

(MR. WAGNER VOTING NO)

And a majority of the votes of Council being in the affirmative, the motion passed finally.

Mr. Ferlo:

Thank you Members of Council. I don't know if your applauding Mr. Wagner or the passage finally of this Resolution.

The Chair:

It won't be the first vote I lost around here.

Mr. Ferlo:

I would like to introduce Bill Gross from the teamsters union and actually present him this time with the resolution.

Mr. Gross:

On behalf of our general President, Ron Carrie, who's asked me to represent the Fisher Scientific employeeess from New Jersey here in Pittsburgh. On behalf of my Local Teamsters Joint Council 40 and our 1.4 million members who may face permanent replacement threats some day. We'd like to thank our friends on City Council. Thank you very much and thank you Jimmy.

Mr. Onorato:

I'd like to call up Joe Kopper, his wife

Marleen, Doug Garrettson, Mark Schiender at this time.

Mr. Onorato presents

No. 2911 WHEREAS, on July 10, 1993, Joseph M. Kopper, the oldest paramedic for the City of Pittsburgh, retired from the Air Force Reserves; and

WHEREAS, Mr. Kopper began his military career on July 5, 1955 with the United States Navy where he served on the JFK Air Craft Carrier, the Destroyer Tender, the Submarine Tender Destroyer, and a patrol craft. He continues his military career with the Air Force Reserves; and

WHEREAS, in 36 years of service Joseph Kopper has received many awards, such as the outstanding Disaster Preparedness NCO Award, the Air-Force Meritorious Service Award and the Air Force Commendation Medal for continued service in support of the 911th combat support squadron; and

WHEREAS, Joe Kopper is specially trained in hazardous material defense and holds the rank of Master Sergeant for Disaster Preparedness. He has volunteered his services for the Vietnam War, Operation Desert Storm and Operation Desert Shield; and

WHEREAS, in 1967, Mr. Kopper began working as a Pennsylvania ambulance member and has continued his service for the last 13 years.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh recognizes and congratulates Joseph M. Kopper for his outstanding service, knowledge and leadership in both his military and paramedic careers; and

BE IT FURTHER RESOLVED, that the

Council of the City of Pittsburgh does hereby declare Tuesday, July 13, 1993 as Joseph M. Kopper Day in the City of Pittsburgh.

Mr. Onorato moved to adopt the resolution.

Mr. Ferlo seconded the motion.

Which motion prevailed.

Mr. Onorato:

Before I hand the award over I also want to mention that Mr. Kopper also received recognition from the County Commissioners, the State House of Representatives from State Representative Chris McNally. Also the State Senate through State Senator Michael Dawida, U.S. Congressman Bill Coyne, U.S. Senators Wofford and Specter and President Bill Clinton which I would like to read a letter from the President.

"Dear Mr. Kopper:

I am pleased to join with your family and friends in congratulating you on your retirement from the Airforce. You have served our country with distinction and honor. You can be proud of your contributions to our national security and to peace around the world.

Hillary and I are delighted to send best wishes as you celebrate this milestone in your years of military service.

Sincerely,

Bill Clinton"

Mr. Kopper:

Well I'll tell you what. This is something I certainly didn't appear to go for all this. I'd like to thank City Council and Councilman Onorato, my

wife, Mark and the Department of EMS and everybody that has recognized me.

I just try to do my share and to alittle bit. Thank you all very much.

Mr. O'Connor:

Mr. Kopper, on behalf of all the citizens of Pittsburgh and I've had the need to use your services, the paramedics and my family and friends. We want to thank you and all the paramedics for all the good work. I think you're probably the finest in the country. We certainly probably don't realize it until we need you but I know alot of people do thank you for your efforts.

The Chair:

Thank you Mr. Kopper and thank you all. Thank you Councilman Onorato.

Mr. Cohen presented

No. 2886 Resolution providing for the issuance of a warrant in favor of Pittsburgh Film Office, Benedum Trees Building, Suite 1308, Pittsburgh, PA 15222, in the amount of \$67,000.00, in payment for the operation of the Pittsburgh Film Office, chargeable to and payable from the Pittsburgh Film Office Challenge Trust Fund (PFOCTF).
---(SPONSORED BY MR. COHEN)

Also,

No. 2887 Resolution providing for the issuance of a warrant in favor of C. Megan Hughes Consultant, 1229 Denniston Avenue, Pittsburgh, PA 15217, in the amount of \$407.00 in payment for professional consulting services rendered to Councilman Dan Cohen for the month of June. --- (SPONSORED BY MR. COHEN)

Which were read and referred to the Committee on Finance.

Mr. Cohen moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. O'Connor seconded the motion.

Which motion prevailed.

Also,

No. 2888 Resolution providing for the issuance of a warrant in the sum of \$37,000.00 to Brian E. Bonsteel, c/o Glenn D. Dolfi, Esquire, Dolfi & Martin, Attorneys at Law, 4762 Liberty Avenue, Pittsburgh, PA 15224, in full and final settlement of the action filed at GD91-21209 alleging personal injury and property damage sustained due to a vehicle collision at Forbes Avenue and McKee Place on or about March 5, 1991.

Which was read and referred to the Committee on Finance.

Also,

No. 2889 An Ordinance amending and supplementing the Pittsburgh Code, Title Six, Conduct, Article I, Regulated Rights and Actions, Chapter 619, Refuse Collection and Recycling; by deleting "Department of Environmental Services" and inserting "Department of Public Works" throughout Chapter 619 in its entirety and by supplementing Section 619.02 Municipal Waste to be Collected by City, by providing alternate collection of refuse pickup every two (2) years.

Which was read and referred to the Committee on Public Works.

Mr. Darkins presented

No. 2890 Resolution amending Resolution No. 830, approved July 9, 1993, entitled, "Providing for an Agreement or Agreements with Peabody High School, for the Peabody High School Band Parents, for the furnishing of professional services for the benefit of the residents of the City of Pittsburgh. The total cost of the agreement shall not exceed \$1,000.00 and shall be chargeable to and payable from Code Account 1838 (183806), Miscellaneous Services, Department of Parks and Recreation," by including Lincoln, Lemington, Belmar Revitalization & Development Corp. as the conduit group.

Which was read and referred to the Committee on Parks and Recreation.

Mr. Darkins moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Ferlo seconded the motion.

Which motion prevailed.

Also,

No. 2891 Resolution authorizing the issuance of a warrant in favor of Browning-Ferris Industries of Pa., Inc., in the amount of \$2,008.00 in payment for refuse removal furnished for the benefit of the City without previous authority of law, and providing for the payment thereof."

Which was read and referred to the Committee on Public Works.

Mr. Ferlo presented

No. 2892 Resolution Repealing Resolution No. 987, approved November 30, 1987, entitled, "Resolution establishing a schedule of fees and charges in connection with the Department of Parks and Recreation's Swimming Pools Program." ---**(SPONSORED BY MR. FERLO)**

Which was read and referred to the Committee on Parks and Recreation.

Also,

No. 2893 Resolution approving a Conditional Use Exception under Section 993.01(a)A(7) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993, to the City of Pittsburgh, Department of Engineering and Construction, for authorization to construct a one-story Emergency Medical Services facility at 4740 Mossfield Boulevard, with parking to accommodate seven automobiles, on property zoned "R3" Multiple-Family Residence District, 10th Ward.
---**(SPONSORED BY MR. FERLO)**

Which was read and referred to the Committee on Planning, Housing and Development.

Mr. Ferlo moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. Smith seconded the motion.

Which motion prevailed.

Also,

No. 2894 Resolution authorizing and directing the Director, Department of Public

Safety, in consultation with the Chief of the Bureau of Police and the Chief of the Bureau of Building Inspection, to submit to City Council, no later than September 15, 1993 a "NUISANCE PROPERTY MASTER LIST".
---(SPONSORED BY MR. FERLO)

Which was read and referred to the Committee on Public Safety.

Mr. O'Connor presented

No. 2895 An Ordinance directing the Allegheny County Board of Elections to place before the qualified voters of the City of Pittsburgh a referendum question which would amend Section 305 ("Organization of Council") of the Home Rule Charter. --- (SPONSORED BY MR. O'CONNOR)

Which was read and referred to the Committee on Finance.

Mr. O'Connor moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Cohen seconded the motion.

Which motion prevailed.

Mr. Ricciardi presented

No. 2896 Resolution transferring the amount of \$500.00 from Code Account 1001-1 (100115), Misc. Services, Supplies & Equipment, City Council (District 3) to Code Account 1103, (110304), Misc. Services, Department of City Planning.
----(SPONSORED BY MR. RICCIARDI)

Which was read and referred to the Committee Finance.

Also,

No. 2897 Resolution amending Res. No. 431, appr. May 7, 1993, entitled: "Providing for an Agreement or Agreements with the Thirtieth Ward Knoxville Block Watch for operational/administrative expenses; maintenance; purchase of equipment; and/or minor rehabilitation of neighborhood facilities for the benefit of the residents of the City of Pittsburgh, at a cost not to exceed \$500.00, chargeable to and payable from Code Account 1103 (110304), Misc. Services, Department of City Planning," by increasing the amount by \$500.00 from \$1,000.00 to \$1,500.00.
---(SPONSORED BY MR. RICCIARDI)

Which was read and referred to the Committee on Planning, Housing and Development.

The Chair presented

No. 2898 Resolution providing for the issuance of a warrant in favor of Walter H. Drane Company, Tower East - Suite 180, 20600 Chagrin Boulevard, Cleveland, Ohio 44122, in the amount of \$238.50 in payment for professional services in connection with extra work relating to the preparation and printing of supplements to the Pittsburgh Code.
---(SPONSORED BY MR. WAGNER)

Which was read and referred to the Committee on Finance.

Also,

No. 2899 An Ordinance amending and supplementing the Pittsburgh Code, Title Six - Conduct, Article I - Regulated Rights and Actions, Chapter 619 - Refuse Collection and Recycling, by deleting "Department of Environmental Services" and inserting "Department of Public Works" throughout

Chapter 619 in its entirety and by supplementing Section 619.02, Municipal Waste To Be Collected By City, by providing for refuse pickup after certain holidays.

---(SPONSORED BY MR. WAGNER)

Which was read and referred to the Committee on Public Works.

Also,

No. 2900 Resolution authorizing and directing the Department of Public Safety, Bureau of Police, on behalf of the City of Pittsburgh, to allot \$12.00 per day to each uniformed Canine Police Officer whose duty it is to provide care and shelter to police canines.

---(SPONSORED BY MR. WAGNER)

Which was read and referred to the Committee on Public Safety.

Also,

No. 2901 Communication from Glenn Cannon, Executive Director, Pittsburgh Water and Sewer Authority, submitting Audited Financial Statements and Other Financial Information of the Pittsburgh Water and Sewer Authority for years ended December 31, 1992 and 1991 with Report of Independent Auditors.

Also,

No. 2902 Communication from Ben Hayllar, Director, Department of Finance, submitting a report of securities pledged as collateral by City Depositories as of May 31, 1993.

Which were read, received and filed.

REPORTS OF COMMITTEES

Mr. Cohen presented

Bill No. 2903

Report of the Committee on Finance for July 7, 1993 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2792

A Resolution entitled, "Resolution authorizing the Director of Finance to retain a retiree health insurance and cost-reduction program."

Which was read.

Mr. Cohen:

Mr. President, I'd just like my comments brought forward on Bill 2792 regarding the retiree health insurance issues.

(REMARKS ON FOLLOWING PAGES)

(MR. COHEN'S REMARKS ON BILL NO. 2792-Wednesday, 7/7/93)

Mr. Cohen:

Mr. Hayllar, a couple questions. You noted the difference between the city rates and the community rates, but both of those rates are fluid, so they change every now and then. What if the community rate goes above \$301.85?

Mr. Hayllar:

They would be responsible for the increase after that. But then two things are happening.

Mr. Cohen:

Why is that?

Mr. Hayllar:

That is consistent with the so-called Givens Amendment where a certain class of non-union supervisors who retired under the age of 65 were allowed to purchase city benefits at the rate they retired at, and then they would be responsible for the increase.

Two things will happen. Right now that is what would be happening. We would make up the \$91.00. If there is an increase in the community rate, they would be responsible for the increase, just as when there is an increase of our rate, they have been responsible for that. But because of the health care plan that is forthcoming, we don't know what is going to happen to either set of rates, and Council can make that decision at this time next year or the year thereafter if this becomes a major problem. We can't tell whether they are jumping dramatically up, which shouldn't happen. They should, in fact, be coming down.

Mr. Cohen:

There may not be a community rate, say two or three years from now, maybe no such thing; then again, we could have the status quo, too.

This applies to 105 persons who retired from the city and have not yet -- exhausted their COBRA rights and have not yet reached 65?

Mr. Hayllar:

Yes.

Mr. Cohen:

What about future retirees beyond these 105?

Mr. Hayllar:

As of now they are not allowed to purchase -- they would enjoy their regular COBRA benefits 18 months at the city rate and then they would have to go to a conversion rate. They are not automatically condemned to a \$91.00 increase, because they do have the HMO option, which, in fact, would save them a significant amount of money.

Mr. Cohen:

But they would not be able to take advantage of this bill that is before us?

Mr. Hayllar:

That is correct.

Mr. Cohen:

So this bill really only has -- again, it only applies to those people, but Council would have the prerogative, and I think we should consider this, of having the same plan apply to future retirees. I realize it will cost the city money. Perhaps you could let us know how much you think it would cost in the out years.

Mr. Hayllar:

Okay. If you can wait six months before you entertain that, I would appreciate it.

Mr. Cohen:

Administratively how would this work? I just retired from the city, I have a \$210.56 city rate, but I get a bill from Blue Cross for \$301.85. Do I just send to the Finance Department --

Mr. Hayllar:

No. You send your \$301.00 directly to Blue Cross as you would a phone bill or gas bill. Every three months we then take your canceled check or proof of payment, you bring or send it to us and we will reimburse you the difference of what we pay and they pay.

Mr. Cohen:

As far as you know, there aren't any greater limitations on the medical procedures that they could get under this plan than there would be under the current city plan that they have?

Mr. Hayllar: That is our understanding.

Mr. Cohen:

Thank you.

(End of remarks.)

(Transcribed by: Helen L. Kriebel, Stenotype Reporter)

Mr. Ferlo:

Mr. President, Bill No. 2792. I had asked for certain information and subsequent to the debate last week regarding the employees benefit issues Mr. Hayllar presented to us for consideration. I had asked specifically for a listing of who all was affected and what the job titles were. I did not receive that. I don't know if it went to the Clerk's office.

I would like to suggest and I don't know if Councilmembers just wants to be done with this and approve this. I'm generally in support of what Mr. Hayllar suggested and is proposing to us based on what he said.

The problem is that I have gotten several calls now from people who think that they're affected by this adversely and that they are actually losing something. That was not my gist of what Director Hayllar has indicated to this Council. Before I could vote comfortably on this I would urge that we consider recommitting this asking that the administration specifically communicates to the affected employees and then we take a final vote on this. I feel like we're rushing into this.

I'm generally in support of the concept that Director Hayllar presented to this Council but I did ask for information which I don't believe we received. I still don't feel comfortable in knowing exactly who is affected by this proposed resolution. I do think and I think you have spoke about this Mr. Wagner that they need to make an effort to at least to communicate to the affected employees prior to final action.

So if there is any other sentiment regarding this, I could not comfortably vote for this today even know I am in support of this. I would like that extra step taken by the Administration and also we did not receive an actual listing of the employees to be affected.

I don't know if any other Councilmembers got any calls regarding this bill.

Mr. Onorato:

I did receive calls. If you remember last month there was confusion over two different issues. This issue and the issue of the life insurance premiums. My question is that I asked for some information too that I'd like to receive because I think they're being confused.

The phone calls I get are confusing the two issues. Maybe we should treat them together and address the issues so we can move forward.

Mr. Ricciardi:

Thank you Mr. Wagner. If one reviews the bill the bill only becomes effective August 1, 1993 so I take for granted that the Administration has somehow worked into that that's when their process will begin moving. If this bill is recommitment we could still make that August 1st deadline because I believe today is only July 13th. So I would support a recommitment on the bill if that was the pleasure of my colleagues.

Mr. Ferlo:

I would make a motion to recommit the bill.

Mr. Ricciardi seconded the motion.

WHICH MOTION PREVAILED.

Also,

Bill No. 2840

A Resolution entitled, "Resolution providing for the filing of an application or applications by the City of Pittsburgh with the U.S. Department of

Labor and/or Commonwealth of Pennsylvania for a grant or grants in connection with the Job Training Partnership Act; providing for the execution of grant contracts and for the filing of requisitions and other data; . . . and providing for the deposit of funds into a bank account. Total costs shall not exceed \$2,404,145.00."

Which was read.

Also,

Bill No. 2841

A Resolution entitled, "Resolution providing for the filing of an application or applications by the City of Pittsburgh with the Commonwealth of Pennsylvania for a grant or grants in connection with the Joint Jobs Initiative Program Single Point of Contact Project and Transitionally Needy Project; providing for the execution of grant contracts and for the filing of requisitions and other data; . . . and providing for the deposit of funds into a bank account. Total costs shall not exceed \$2,559,849.00."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Smith
Mr. Ferlo	Mr. Wagner
Mr. O'Connor	(Pres't)

AYES 7

NOES none

(MR. RICCIARDI ABSTAINING)

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 2851

A Resolution entitled, "Resolution providing for a warrant in favor of Helen Hull in the amount of \$300.00 in payment for consulting services rendered to Councilman Darkins for the month of June, 1993, chargeable to and payable from Code Account 1001-2, City Council, District 9." --- (SPONSORED BY MR. DARKINS)

Which was read.

Also,

Bill No. 2855

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Craig Straw in the amount of \$1,386.00 in payment for legal and legislative research, office coverage and constituent services on behalf of Councilman Jim Ferlo for the month of July, 1993, chargeable to and payable from Code Account 1001-2, Salaries, Wages and Services of Council, as needed. --- (SPONSORED BY MR. FERLO)

Which was read.

Also,

Bill No. 2856

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Ron Pettinato in the amount of \$100.00 in payment for community cleanup services rendered on behalf

of Councilman Jim Ferlo on June 29, 1993, chargeable to and payable from Code Account 1001-2, Salaries, Wages and Services of Council, as needed. ---**(SPONSORED BY MR. FERLO)**

Which was read.

Mr. Ferlo:

Mr. President, concerning Bill 2856, I paid for this expenditure out of my own pocket as a donation for services rendered.

I'd like to table the bill.

Mr. Darkins seconded the motion.

Which motion prevailed.

Also,

Bill No. 2857

A Resolution entitled, "Resolution providing for a warrant in favor of St. Agnes Church, in the amount of \$75.00 in payment for rental of the Church Hall to Councilman Jim Ferlo on January 25, 1993, chargeable to and payable from Code Account 1001-1, Miscellaneous Services, Supplies, Equipment, etc., City Council, District 7. ---**(SPONSORED BY MR. FERLO)**

Which was read.

Also,

Bill No. 2858

A Resolution entitled, "Resolution providing for a warrant in favor of Western Pennsylvania Police Athletic Association/Drum & Bugle Corps., in the amount of \$300.00 in payment for professional services rendered to Councilman Ferlo, chargeable to and payable from Code

Account 1001-1, City Council District 7." ---**(SPONSORED BY MR. FERLO)**

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8

NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Mr. Darkins presented

Bill No. 2904

Report of the Committee on Public Works for July 7, 1993 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an **NEGATIVE** recommendation,

Bill No. 2724

A Resolution entitled, "Resolution further

amending Resolution No. 1296, effective January 1, 1992, entitled, 'Resolution adopting and approving the 1992 Capital Budget and the 1997 Capital Improvement Program;' by transferring Code Account 3-01-40-0142-92, Greenways, Index Code 875963 in the amount of Fifty Thousand (\$50,000.00) Dollars from the Department of Finance to the Department of Public Works."

Which was read.

Also, with a **NEGATIVE** recommendation,

Bill No. 2725

A Resolution entitled, "Resolution providing for a Contract or Contracts, or the use of existing Contracts, for the repair, maintenance and beautification of Greenways at various locations within the City of Pittsburgh at a cost not to exceed Twenty-Five Thousand Dollars (\$25,000.00) chargeable to and payable from Code Account 3-01-40-0142-93, Greenways, Index Code 875971.

Which was read.

Also, with a **NEGATIVE** recommendation,

Bill No. 2726

A Resolution entitled, "Resolution providing for a Contract or Contracts, or the use of existing Contracts, for the repair, maintenance and beautification of Greenways at various locations within the City of Pittsburgh at a cost not to exceed Fifty Thousand (\$50,000.00) Dollars chargeable to and payable from Code Account 3-01-40-0142-92, Greenways, Index Code 875963."

Which was read.

Mr. Ricciardi:

I think I believe its on Bill 2726 which covers entering into a contract with the provider for the Greenways. Is that correct?

It was my understanding at the Committee Sessions that we are not going to go out for a contract, however the contract was going to be directed towards a group that I fully support and that's NeighborFair/Pittsburgh Clean City Committee.

I had believed that the director had stated at the table that the resolution was going to be changed in order to actually mention the agency NeighborFair. If I am mistaken, I'd like my colleagues to respond to that.

Mr. Smith:

I believe that what you need to look at is that the use of existing contracts. This is their language for producing a contract or standard language. It does say "or the use of existing contracts". That is how NeighborFair is going to be used at that point. That was my understanding at the table is that they are going to use the existing contract to continue with this particular program.

Mr. Ricciardi:

I realize that and I would ask a waiver of a rule. There is no reason to put in their concerning advertising for proposal then. I would delete that sentence. But I would look towards the Chair of the Committee. We're either going to mention NeighborFair in here or I think we should delete the one sentence to make it perfectly clear that through our discussions at the Committee Sessions that we want this money directed to NeighborFair, a agency with a proven track record here in the City of Pittsburgh, proven

workers and proven leadership.

Again, I would go by the indulgence of my colleagues which direction we should move in. Either recommit the Bill for proper language or make the changes today here for NeighborFair or remove that specific sentence.

Mr. Ferlo:

I would hope that we would not recommit the Bill. It has been recommitted back and forth a couple of times. I would like obviously the work to start. I would like to make a motion that we suspend the rules to allow the offering of an unwritten amendment specifically listing NeighborFair specifically in the wording in the resolution.

Mr. Cohen seconded the motion.

The Chair:

The motion is NeighborFair is listed specifically within the resolution.

Mr. Ferlo:

With NeighborFair incorporated for the purposes of.

Mr. Ricciardi:

I would like to make that motion.

Mr. Ferlo seconded the motion.

WHICH MOTION PREVAILED.

The Chair:

The bill is amended as indicated.

Also, with an affirmative recommendation,

Bill No. 2819

A Resolution entitled, "Resolution granting unto Douglass Forsythe, 310 Pinevue Drive, Monroeville, Pennsylvania 15146, his successors and assigns, the privilege and license to construct, maintain and use at his own cost and expense, two (2) door overhangs in the right-of-way of Pius Street in the 17th Ward, 3rd Council District of the City of Pittsburgh."

Which was read.

The Chair:

Is there any further discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Ferlo presented

Bill No. 2905

Report of the Committee on Planning, Housing and Development for July 7, 1993 transmitting

one ordinance and sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2656

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning District Map No. 13, by changing from "R3" Multiple-Family Residence District to "M2" Limited Industrial District certain property having frontage on the westerly side of Second Avenue north and south of Vespuccius Street, 15th Ward." (Glenwood Redevelopment Project)

Which was read.

Also,

Bill No. 2693

A Resolution entitled, "Resolution approving the Glenwood Project Area Redevelopment Proposal dated March 1993 including the Redevelopment Area Plan, for redevelopment activities in a portion of Redevelopment Area No. 40, Greater Hazelwood, in the 15th Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2694

A Resolution entitled, "Resolution authorizing a cooperation agreement or agreements with the Urban Redevelopment Authority of Pittsburgh implementing the Glenwood Project Area Redevelopment Proposal."

Which was read.

Mr. O'Connor:

On Bills 2693 and 2694, I'd like to have my remarks brought forward, please.

(REMARKS ON FOLLOWING PAGE)

(MR. O'CONNOR'S COMMENTS ON BILLS NO. 2693 & 2694 - 7/7/93)

Mr. O'Connor:

We had a public hearing on this and I think everybody was in favor except one person had concerns about traffic. I think the Director has picked out four very good locations, lots, in Hazelwood, which this is the first redevelopment we have had in years down there, and I thank him for the effort and the foresight to track this area. It is a good project.

Director, if you want to answer any questions we have on it. It can be developed down there, I understand, from three sites?

Mr. Birru:

Officially four sites, it can also two sites.

Mr. O'Connor:

It could be two to four depending on parking?

Mr. Birru:

Depending on parking, the developers, so on, yes.

Mr. O'Connor:

I think the only question brought up by the neighborhood was blocking streets, and you have addressed all those and guaranteed them that there would be no restrictions as far as blocking any neighbors or streets or homes.

Mr. Birru:

That is correct.

Mr. O'Connor:

I think the Director has addressed all the issues we have had and we certainly all support it in the greater Hazelwood area.

(End of remarks.)

(Transcribed by: Helen L. Kriebel, Stenotype Reporter)

Also,

Bill No. 2696

A Resolution entitled, "Resolution approving the redevelopment proposal dated May, 1993, including the Redevelopment Area Plan, for redevelopment activities in a portion of Redevelopment Area No. 47, Strip District, in the 6th Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2697

A Resolution entitled, "Resolution authorizing a cooperation agreement or agreements with the Urban Redevelopment Authority of Pittsburgh implementing the Strip District Redevelopment Area Proposal."

Which was read.

Also,

Bill No. 2729

A Resolution entitled, "Resolution approving a conditional use exception under Section 993.01(a)(9) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993, to Carnegie Mellon University for authorization to raze the 94,000 sq. ft. student activities building (Skibo Hall) and erect a 240,000 sq. ft. University Center to contain student activities spaces, a recreational athletic center, and a 450-seat auditorium to be located on the Carnegie Mellon University campus at 5000 Forbes Avenue on property zoned "I-C" Institutional-Civic District, 14th Ward."

Which was read.

Also,

Bill No. 2821

A Resolution entitled, "Resolution authorizing the URA to acquire properties in the 18th Ward of the City of Pittsburgh that have been certified as blighted by VPRC. These properties will be sold as sideyards. (Residential Land Reserve Fund) Property located at 424 Bailey Avenue and 428 Kambach Way, 18th Ward."

Which was read.

Also,

Bill No. 2822

A Resolution entitled, "Resolution approving execution of a Contract by and between URA and Richard A. Shiring for the sale of properties in the 18th Ward of the City of Pittsburgh Residential Land Reserve Fund - VPRC (Sideyard). Property located at 424 Bailey Avenue and 428 Kambach Way, 18th Ward."

Which was read.

Also,

Bill No. 2871

A Resolution entitled, "Resolution amending Resolution No. 419, effective May 7, 1993 entitled, 'Resolution providing for an Agreement or Agreements with Hill District Civic Association for operational; administrative expenses, maintenance; purchase of equipment; and/or minor rehabilitation of neighborhood facilities for the benefit of the residents of the City of Pittsburgh at a cost not to exceed \$5,000.00; so as to change the name of the group to 'Hill House Association'." ---**(SPONSORED BY MR. SMITH)**

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. O'Connor presented

Bill No. 2906

Report of the Committee on Parks and Recreation for July 7, 1993 transmitting one resolution to Council.

Which was read, received and filed.

Also, with a **NEGATIVE** recommendation,

Bill No. 2806

A Resolution entitled, "Resolution amending Res. No. 316, approved April 16, 1993, entitled, 'Resolution authorizing and directing the Mayor and the Director of Parks and Recreation to enter into a lease and agreement with a nonprofit

subsidiary of Carnegie Mellon University in connection with the operation and maintenance of the Schenley Park Golf Course' by changing the wording of Section 2 and adding Items 19 and 20." ---(**SPONSORED BY MR. FERLO**)

Which was read.

The Chair:

Even though we have a negative recommendation for simplistic reason. If we vote aye we are in favor of the Bill. If we vote no we are opposed to the Bill.

Mr. Ferlo:

Mr. President on the Bill I would like my comments brought forward. I believe we had asked for a number of opinions or some written information from the Solicitor regarding this issue. I did not receive anything. I don't know.

Mr. Ricciardi:

I did receive it yesterday.

Mr. Ferlo:

I did not see it as of 4:30 yesterday afternoon when it arrived. I will review that needless to say I do support the legislation since I did introduce it. I do believe the actual signed agreement is in violation of the City Code.

Mr. Cohen:

Thank you Mr. President. I'd also like my comments brought forward on the reason why I opposed this legislation.

(REMARKS ON FOLLOWING PAGES)

(MESSRS. FERLO & COHEN'S REMARKS ON BILL NO. 2806 - 7/7/93)

Mr. Ferlo:

Thank you, Mr. O'Connor. Second for discussion.

Unlike the situation regarding Phipps, where we had a draft document before us before giving the final approval to a resolution on what the actual lease would be, in the golf course situation to my knowledge we did not actually have a formal lease that was part of the resolution. There was some general principles applied to the resolution; in fact, some of those principles I think, in fact, are violated in the final lease agreement with the CMU regarding operation of Schenley Park Golf Course.

Setting that issue aside, both that lease and possibly even Phipps and maybe even the Aviary, after reviewing them I believe are inconsistent with this one clause in the City Code regarding the issue of liability and indemnification.

I did ask and I held this bill for a week. I don't know if the Administration or Solicitor would like to comment on this bill, she is certainly invited to the time table to address the issue.

Mr. Cohen:

Solicitor Conturo?

Mr. Ferlo:

The basic framing here is that the actual final lease agreements that we sign, whether it be the golf course, Aviary or Phipps or any other leases that we engage or sign-off on, should be consistent with provisions in the City Code.

Ms. Conturo:

Could I just make two points, if I could?

You are correct that the lease itself is not part of the resolution in this case. It was done as when we got to Phipps we realize that that might be a better way to do it. But you were delivered a copy of the draft lease before you voted on it, and these provisions were in that draft lease.

But I think you are talking about a provision of the Code that says with respect to leases there is to be a total indemnity, and that provision is with respect to when the city actually leases property to someone and someone uses it for whatever purpose they choose to use it for. The agreement with respect to the golf course is a lease and operating agreement, in that the tenant in this case is operating it according to specifications, according to rules and obligations that are imposed upon it by this city which are basically rules that provide that there be public access, and it is those kinds of

municipal purposes that really have led to the agreement that was structured here and make it different than a pure lease.

Mr. Ferlo:

I appreciate that comment, I am not sure what you said legally in terms of whether or not there is an inconsistency in the actual lease that the Administration developed and signed on behalf of the initial Council resolution.

Is it your argument that this is not relevant and that the lease that you signed is consistent with law?

Ms. Conturo:

That is exactly my position.

Mr. Ferlo:

Your observation is that this particular clause in the City Code is not relevant or that the agreement that you signed is consistent with law notwithstanding this City Code provision?

Ms. Conturo:

Both cases.

Mr. Ferlo:

Can you put that in writing please, between now and final vote?

Ms. Conturo:

I certainly will, yes.

Mr. Ferlo:

Obviously, I don't agree with it, but I would like a formal vote up or down on this issue.

Just on a side bar, Solicitor, is there a difference legally in the lease with the golf course where it implies that the clubhouse will be closed and rented for private use versus the Phipps proposal which implies -- which I support -- the notion of renting part of or closing for private purposes part of a public facility, such as a wedding party in the rear of Phipps Conservatory? To me that is a substantial difference than the actual closure of the clubhouse for a private function. I was wondering, have you reconciled that difference at all or is there not any distinction there?

Ms. Conturo:

I am not sure I understand.

Mr. Ferlo:

It implies under the golf course lease that CMU has the prerogative, or Gumberg, whoever it is, has the ability to close the golf course clubhouse for a private affair, as opposed to Phipps, which may use part of its public space, I believe it is the garden area, for rentals of, quote, "private parties" such as a wedding party or cocktail reception.

Ms. Conturo:

You are suggesting there is a difference?

Mr. Ferlo:

I think there is a difference and I am wondering whether or not there is any inconsistency legally. In other words, the agreement that you signed with CMU, unless I am not reading it correctly, which may be the case because some of these things are complicated, that they have the power to close the clubhouse for private functions.

Ms. Conturo:

I would have to look at it.

Mr. Ferlo:

Would you please as part of the memo to us address this issue?

since you are addressing issues regarding the golf course, could you at least also comment in writing -- and I would appreciate it if you do it by the final vote on this -- the issue of the lighting in terms of whether or not lighting is now permitted pursuant to the agreement that you signed, which I thought it was Council's intent that there wouldn't be lighting, at least that is why there was opposition initially to one other proposal, but it implies in the final agreement that lighting will be permitted.

Ms. Conturo:

I don't think the final -- the final agreement provides that major changes are to be approved by Council.

Mr. Ferlo:

I understand that, but it does provide for lighting as

opposed to what I thought what everyone was adamant about that there not be any lighting.

Ms. Conturo:

I will address that in writing, as well.

Mr. Ferlo:

Thank you.

(Deleted text.)

Mr. Ferlo:

My intent very clearly is that the lease agreement that the Administration signed I think violates the City Code and is legally in question. If we read 451.01 of the City Code under "Authority Term and Assignment," and I will read it and I will read all three sections. "The Director of Finance shall have authority to execute in the name of the city written leases for real estate owned or controlled by the city on a month-to-month basis, and notice thereof shall be given to the City Clerk." Particularly Section B; "Leases for any longer term may not be executed without express authority of Council. No lease shall be executed unless the lessee agrees to release the city from all liability in connection therewith and to indemnify the city from any loss which the city may suffer due to such a lease." C; "No lease shall be transferred or assigned without the express written consent of the city. Any violation of this provision shall result in automatic cancellation of the lease and of any rights of the lessee thereunder."

My argument is that it is inconsistent with the city law and, in fact, is legal. I would like a formal legal opinion and a vote on this question.

By the way, Mr. Ricciardi, I did forward to Council in submission of this resolution a legal opinion regarding this issue, which I would ask you to review between now and final vote on it, and I would also ask that the Solicitor review it.

(Deleted text.)

Mr. Cohen:

Let me speak, please.

I don't support the written amendments, either. The lease was negotiated, signed and approved nearly three months ago, and I think to have one side amend the lease at this point would be a mistake and I think could very well cause the lease to fall through. And as Mr. Wagner said, it is a good lease, it is working, and the people who use the golf course and the people in the neighborhood are happy with it.

The other reason is the indemnification clause. Mr. Ferlo raises a good point with the lease section of the Code, and I certainly want to see the Solicitor's opinion, and maybe we should clarify the Code. But I don't think that was meant to apply to public/private partnerships. It seems to me as I read it, it was meant to apply to private leases; the city leasing to a private entity. That is not the case here. This is very much a public/private partnership. The lessee, the tenant, has to allow the public to use the property and also certainly can't make any alterations without coming to City Council for approval; many, many restrictions on this lease that make it not just a run of the mill private lease.

Finally, the indemnification, the insurance that was taken out is far in excess of any insurance for any other facility that we know of; \$13 million. So I think the real issue should be will people be insured if there is an accident on the golf course, will there be enough money to pay for the person who is hurt, rather than any attempt to try to change the lease at this point. I am fully and completely convinced that there is. A \$13 million total liability insurance coverage is huge coverage, probably more than is necessary there, but I am glad it is there. It certainly is enough for any accident that takes place on the park. So in terms of the public interest, I think that should be the public interest, and I think that is taken care of here.

With regard to Mr. Smith's point, and he and I have spoken about this, I certainly support the point that he makes, and I would like to be involved, please, with the discussions with CMU and Mary Conturo about an affirmative action policy that would be applied here to every facility there, including the golf course.

But on the lease changes that are proposed here, I can't support them.

Mr. Ferlo:

First of all, obviously I do support Mr. Smith's raising two significant issues, and I think they are applicable and relevant not only to this golf course lease that has already been signed, but I think in terms of the Aviary, if it is applicable also, it is another lease that should be reviewed. To be quite honest, I don't remember what the clause was in there regarding MBE and/or affirmative action, but it is an applicable issue to any of the leases we are talking about, albeit we resolved the Phipps issue by way of Mr. Smith's amendment to the final resolution. So I think it is relevant in both instances and maybe Mr. Onorato's support as on the board of the Aviary, that issue can also be looked at in terms of a memorandum of understanding.

As part of this legal opinion, commentary by the Solicitor between now and Tuesday, I would specifically like a reference to section -- Page 16, Article 10, indemnification on the golf

course agreement, and ask that the Solicitor make commentary on this issue of this indemnification, specifically in response to Mr. Cohen's insurance issue and, if I understand this correctly, would be solely by reason of willful misconduct on the part of the operators of the golf course, as opposed to issues of negligence. I would like that issue discussed by you.

Ms. Conturo:

No, the insurance is for anything. In addition to that, the subsidiary, the tenant, is indemnifying us for willful misconduct.

Mr. Ferlo:

I understand. Is there a difference between willful misconduct versus legal cases argued by way of negligence?

Ms. Conturo:

That was in there in the event that the insurance would not cover the willful misconduct, then we would fall back on indemnity.

Mr. Ferlo:

I would like you to put something in writing regarding that specific paragraph.

Who are the employees of the golf course? Are they employees of CMU, the nonprofit or Mr. Gumberg? Could you answer that?

Ms. Conturo:

The nonprofit.

Mr. Ferlo:

Do you know that for a fact? Could you let us know for a fact?

Ms. Conturo:

I don't run the place. I will check for that.

Mr. Ferlo:

I would like to know. Thank you.

(Deleted text.)

Mr. Ferlo:

By way of referencing, the actual agreement that we have with the Aviary has a specific clause which I would like to read it, "Limitation on Landlord's Liability. Notwithstanding any other provision here and to the contrary, landlord shall not be liable for any claims or damages arising out of the conduct, operation or management of the Aviary by tenant or by its officers, agents or employees." I don't think that is consistent with the agreement that was signed regarding the golf course. It may or may not be consistent with the agreement signed by way of Phipps Conservatory.

I guess it's who you know on city government.

(End of remarks.)

(Transcribed by: Helen L. Kriebel, Stenotype Reporter)

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Darkins

AYES 1 NOES 7

VOTING NO:

Mr. Cohen

Mr. Ricciardi

Mr. Ferlo

Mr. Smith

Mr. O'Connor

Mr. Wagner

Mr. Onorato

(Pres't)

And a majority of the votes of Council not being in the affirmative, the bill was defeated.

MOTIONS AND RESOLUTIONS

Mr. Ferlo:

A few brief housekeeping matters. First of all its my understanding that the General Services Department and Environmental Services Department purchased some new trucks that may or may not be larger than the previous compactor trucks. As a result a number of alley ways and/or streets are affected in terms of where individual residents are being asked to leave their garbage.

As you know alot families and residence are in hillsides and tight alley ways and traditionally the rubbish workers, to their credit go great distances to get the garbage. As a result, I

believe of this purchase of this particular vehicle, a number of alley ways and the locations where people have traditionally have been leaving their trash is no longer possible and I would respectfully ask this Council to request from Environmental Services a listing of alley ways and/or route changes affected as a result of a truck and a vehicle no longer being able to manuever what they previously were able to manuever.

Specifically a number of residents have called me complaining that now they have to take the garbage, some have to go down stairwells now. I'm talking about places like Carrick, people called me from Troy Hill, around the City.

So I would just like this Council to ask for a listing of these streets that are affected.

Mr. Ricciardi:

Thank you Mr. Wagner. In the past our refuse trucks just took for granted that they could ride people's sidewalks and in the past they had to ride people's sidewalks for example to pick up garbage and some of my alley ways, narrow ways in the district.

However so many judgements have been placed by the City of Pittsburgh that they are now trying not to ride people's sidewalks. I've been working very closely with the Department of Public Works in order to try to do our very best to cater to everyone involved.

What we're looking into and I commend Mr. Ferlo for asking for the information. Let me say to the credit of the Department of Public Works, Rosanne Casciato and Director John Walluk. What we're looking into is a smaller truck in next year's budget.

As a matter of fact we have done some research and there are some smaller trucks that can manuever certain alley ways in the City of

Pittsburgh, especially some alley ways in my district such as Yorkson Way in the South Side, Harcum and I'm having some problems also with Carrie Way.

Obviously, I welcome that information but I'd like to point out to the viewing public that the Department has been looking into buying, hopefully some smaller trucks in the future. Because every taxpayer should have the ability to place their garbage out at curb side and have that garbage picked up. Its much of an inconvenience when they have to move their cars and there's no parking on certain alley ways in the South Side and other City Streets in the City of Pittsburgh and its more of an inconvenience whereas in some alley ways throughout the City and especially in the South Side there carrying their garbage to the corners. Hopefully this new policy and this review of our trucks and the purchase of smaller trucks in the City of Pittsburgh in 1994 will hopefully rectify the problem we're facing.

Mr. Ferlo:

I'm not saying in every instance its necessarily a bad policy. I'm asking for the information I believe a larger truck was purchased which has caused the problem or part of the problem and now apparently Mr. Ricciardi is saying they're considering going back and utilizing a different truck.

I would like an update regarding this issue rather than Councilman getting hit over the phone with these calls. I think if we know ahead of time what the Department's implementing, where these changes have been made and what the reasons are. Its alot of easier on us when we're trying to deal with constituents who call regarding the problem.

I would like the information regarding this truck policy, what are the facts involved and what are the actual streets affected. We had the

same kind of situation with the tiller truck. We lost alot of residents throughout the City over I would say roughly 200 streets were posted for fire lanes as a result of some of the larger equipment.

As a result alot of people unfortunately lost their parking spaces in places where they have been parking for years. I would just like to know what is the information and what caused the policy change and some explanation to this Council.

Mr. Smith:

Is that a motion that you would like a letter forward. Well then your looking for a second to your motion.

Mr. Smith seconded the motion.

The Chair:

I'd also like if there's new refuse trucks that have been purchased I like to know the specifics in terms of the size of them. The size of the trucks in comparison to the existing trucks or the previous trucks that were in use. There should be no street or any resident in this City due to the purchase of new equipment that parking is eliminated and/or their refuse can not be picked up as it previously was.

Mr. Ferlo:

Mr. President, just as a footnote also for information purposes. When the Administration and I fought against it and I lost. When the Administration changed the whole route procedures Environmental Services and they went to the bi-weekly bulk pick-up. If I remember correctly the debate of the discussion. The Administration made a commitment and part of this goes into what Mr. Ricciardi talked about in terms of compensation claims.

We still basically have a small work force. I believe a driver and an individual picking up hundreds of tons of material every day, large couches and stoves you name it. Its all being basically compacted by one individual who has to lift alot of this material. I thought the agreement was that they were going to have a truck that would have a lift on it when they went to the system of changing the routes and putting more burden on a smaller work force.

That still hasn't happened yet and I'd like to know as part of that discussion is there some plan and is there some plan by the Administration regarding this whole issue of bulky waste and changing the vehicle pick-up. I'd like that to be part of that discussion.

The Chair:

Any other issues?

Mr. Ferlo:

A very few brief things. I'm concerned about a situation involving an individual's secretary. I'm not going to mention anybody's name. Nothing against this person and God bless her I know she's a good worker.

The concern has to do with over \$5,000 paid to this individual in premium overtime. The reason why I'm concerned is I just don't think its fair. The standard policy by the City is to offer comp. time to individuals who are not polic, fire and are not part of any basically the non-union employees that work overtime.

The reason I think its unfair is we have alot of great employees throughout the City, clerk typist, secretaries, alot of individuals that do alot of work past their eight hours. Mostly are just getting the comp. time pursuant to the City's policy. This invidual alone in this year, from this

is Director Walluk's Department has gotten over \$5,000 in comp. time. At this rate this individual is going to earn \$10,000 in extra pay. God bless it if she deserves it. That's not the issue. The issue is there's alot of other clerk typist and secretaries throughout the City that I'm sure would like the opportunity and deserve consideration.

There's a memo that Carolyn Marks sent to Director Walluk and I'd like to read this briefly.

(MEMO)

"I've received both memos concerning DPW's compensatory time policy and this individual's situation in particular. Additionally, I just saw the overtime report for the last pay period where overtime in excess of \$500.00 was paid to this individual for this work.

The City's policy is not to pay non-union employees for any overtime work, but rather to accrue comp time to be used when the individual requests such. The individual is not expected however to use all of their comp time.

This individual or any other secretary, clerk, steno, etc. should not be receiving overtime. This policy should be put into effect immediately.

I have instructed the Payroll Office to change the system so that these hours cannot be input without budget office approval."

(END OF MEMO)

Mr. Ferlo:

Now this memo to Director Walluk is in October of 1992. Either there is a change of heart or change of policy but there should be some uniformity in the policy. Either we pay overtime or we don't. If we do I think each Director should be given consideration.

I don't understand why this individual has to work these extra hours and get this extra pay. Either there is a problem in Public Works or some other job position should be created, but needless to say the information came to me from other disgruntled secretaries and clerk typist who are not given such consideration.

I just don't think its fair. I'd like to ask that we send a letter to the Administration asking for an explanation from them regarding this situation.

Mr. Darkins:

Mr. Chairman same issue. I'm not aware of all of this data or information that Councilman Ferlo has brought to our attention. I am aware that the Director of the Department of Public Works I'm sure he's not instituting or implementing anything that is not that would be uncool for within the discretions of the perimeters of his ability as the Director of that Department. Its nice when we bring these things to the attention. I commend Mr. Ferlo for doing so. I think that there is another way that this can be done.

I think its embarrassing for my Department. I think its embarrassing for my Director and I think the issue or information of this nature that it can be taken up with Director Walluk.

Mr. Ferlo:

In regards to Director Walluk, we did ask for information on other issue remember when he was away and out of town in Birmingham, his home during the great blizzard. We did ask information and he had suspended a number of individuals who were not here over the weekend even though he wasn't here. We never did receive information from the Director regarding

that issue.

Mr. Darkins:

It was corrected Mr. Ferlo.

Mr. Ferlo:

Was it corrected?

Mr. Darkins:

You better believe it was corrected.

Mr. Ferlo:

Thank you Mr. Darkins.

The Chair:

This is a request for information --

Mr. Ferlo:

Explanation from either the budget office or Director Walluk regarding this situation.

Mr. Cohen:

Thank you Mr. President. I was very disturbed when I read in Saturday's Post-Gazette that the Firefighters Union which are employees of the City Public Safety Department are raffling off guns, including hand guns to raise money at their state convention.

I find it incredible really that members of our Public Safety Department would promote or encourage the ownership of a deadly weapon. This is the union that asked for bulletproofed vest and I think that if that is warranted they absolutely should have them. It would be tragic and ironic that they would need bulletproof vest to protect them from guns that they actually raffled.

According to the National Center for Health Statistics, 14 Children 19 and under are killed everyday by guns. Either by homicide, suicide or accidents. In the past two years alone according to the Atlantic Monthly Magazine firearms have killed approximately 60,000 thousand Americans which is more than the number of U.S. soldiers that died in Vietnam.

We all know about increase violent crime rate in the City of Pittsburgh and putting more guns on the streets certainly is not the answer. I have the greatest respect for the Firefighters of the City of Pittsburgh. They perform a dangerous job and they perform it on behalf of the residents of Pittsburgh every single day. I also appreciate their need to raise money.

The choice of guns especially hand guns is a very misguided choice. So I would just like to personally ask the Firefighters Union to reconsider their decision and substitute another prize.

One possibility perhaps would be for them to give free safety inspections or even free smoke detectors to somebody who wins the prize. If that's not enough then give a free color T.V. but don't give out guns.

Mr. Ferlo:

First of all I support national legislation regarding the proliferation of hand guns in the society because we're killing ourselves. We need to deal with it. We should have it at a national level.

I resent that the fact that the Post-Gazette ran a full page, front page article on Saturday with all important problem they made ridiculous and made grandios to me a nothing story regarding this issue.

You know the implication here is that

somehow the Firefighters are marketing the sale of these raffle tickets to youth gangs in the City of Pittsburgh who are going to purchase these handguns and go off and shoot people. Guns are legal in the society. We have a problem regarding handguns. The fact of the matter is there are thousands of hunters and people who know and are qualified to use riffles and handguns for purposes of hunting and sports and recreational activities.

I just think the Post-Gazette dramatized and glorified this whole raffle ticket sale business. I mean basically people buying these tickets are most likely people who hunt and who are going to use these riffles or whatever they're going to get. As well even the raffle allows for an individual to receive cash as opposed to the handgun or hunting riffle.

To go from this little raffle onto a whole discourse on the whole issue of illegal shootings and guns in our society I think is very unfair to the Firefighters Union. If we want to help the Firefighters Union let's give them a grants and donations so they can help pay for their convention here because they're bringing guest from all over Pennsylvania.

Again, we need handgun legislation on State wide handgun legislation regarding the problem with guns in the hands of the wrong people. But to extrapolate from the legitimate sale of based on the need to raise funds legal riffles and handguns for hunting purposes to a targeted population of people who know how to use them and who use them for sports and enjoyment. I just think is going abit overboard.

Mr. Cohen:

We are in the middle of Public Safety crisis in the City of Pittsburgh. I'm not going to over dramatize that. We know what the increase in violent crime here is in the City of Pittsburgh.

I'm not saying that these guns will be used in violent crimes at all. But I am saying that it sends a terrible message from members of our own Public Safety Department to be raffling off handguns.

It sends a terrible message. It shouldn't be done.

The Chair:

Let me clarify Councilman Cohen is this just a comment or are you requesting something or---

Mr. Cohen:

I am personally requesting that they reconsider their decision. I think the publicity I hope the publicity will make them change their minds and I hope they won't do it again in the future. As I said, I have great respect for the Firefighters Union and all that they do but this was just a bad judgement call. I hope that they change it.

The Chair:

So that's not in the form of a motion.

Mr. Cohen:

That's right.

The Chair:

I tend to agree with Councilman Cohen. I think Public Safety and everything that's included in it should bring with it certain unwritten standards and certainly we cannot as a government with the Firefighters Union of which I respect the Firefighters that work for the City of Pittsburgh very much.

I would rather see them raffle off

products that are Pittsburgh based products that promote Pittsburgh in a very positive way rather than in a negative way.

Mr. Smith:

Its come to my attention we have funded and are presently doing a project titled the Andover/Dakota Street Walls. I think this might be of interest to Mr. Ferlo. I do not know what type of contract it was but the original request that I made doing the City Planning Capital Hearings in '85, '86 and '87 were for repair of this wall.

This wall has gone from a six inch concrete lip and rod iron fence that needed repair to a four foot Jersey barrier with a fenced to be placed on top of it. The problem is that this is a complete change in the design of that street, those two streets in this neighborhood the neighbors were never given an opportunity through a neighborhood meeting to review the design.

We all suffered under the impression that they were going to repair what was there as opposed to new construction. It is unsightly, it is overbuilt and what I am looking for is does there exist through City Planning and Engineering and Construction as we let contracts a mechanism for the community review of anything that is not a repair but is definitely new construction, new design in their community.

I'd also like to know if there is a mechanism that exist that permits these people, these people when the Jersey barriers began being put in they were located by the way Mr. Cohen and I share this borderline. When they first went in they were being placed at a turn where the community felt that was an excellent choice. As they went another 350 feet up the street and it began to actually barricade the community they're presently upset.

Does there exist a mechanism that we can

use at this Council for these people to have an opportunity to address and it is definitely too late to change what has been designed. I think that it is unfair that when people's tax dollars are being spent in their community, that they are not given the opportunity to review what is coming into their community so that they may say yeah or nay.

This project cost alot more than I thought it would. Now I understand why it does. The six inch lip and rod iron replacement as being done on Bigelow Boulevard would have been more than sufficient once again we have over designed a solution for a simple problem and I'd like to see this addressed by Engineering and Construction, City Planning that took the first request.

I'll be very frank with you. This construction site which I mentioned the other day at our Committee Session. There are piles of wood with people's lunch garbage sitting in it on a main thoroughfare into a community. The community wants to address this issue.

How do we deal with the contractors after they've come to our site and how can we insure that no district in the City of Pittsburgh gets a design change that the community does not get to see before they start pouring concrete.

Right now there is tons of concrete already poured. This is basically now so I would love to invite my fellow Council persons to come see because they've only done one street so far. If you can see the difference between the two streets and what this design change has done. The community was never afforded an opportunity to look at the plan. I was not afforded since I asked for it to go into the Capital Budget.

I'm asking the question of my fellow Council persons, if this mechanism does not exist we need to make sure that it does exist to protect the interest of communities. If it does exist,

would someone inform me since I'm new, where it is and how I can invoke this in order to make taxpayers. There is a million dollars worth of market price property that these walls are going up on. They are very upset at what its doing to the value of their community.

Does it exist, that's an open question to any of my fellow Council persons or to yourself Mr. President.

The Chair:

Well Councilman you're requesting information from Public Works, Engineering and Planning. Do you want to proceed simply with that request and get information as soon as possible?

Mr. Smith:

Well my community, as my phone and answering machine at home, can be replayed for my fellow Council persons, this is alittle more than a request. These people are pretty upset at what has occurred.

The Chair:

Any other comments on the same issue.

Mr. Ferlo:

Given the fact that Mr. Smith has raised this issue a couple weeks ago, that there would be a site visit with the appropriate administrative heads, Mr. Sciulli and Public Works and Planning and anybody else who in some way involved in this construction activity. That there be a site visit where Councilmembers could be invited at the request of Mr. Smith and we review it.

I'm so happy when the Administration does infrastructure. I like want to get down and

thank them endlessly. So I don't want to delay anything in terms of some elaborate debate in the community. But when there's a major construction activity its partly our job as Councilmembers to not only approve the resolution but be involved and sort of on top of what the nature of that construction activity is. If its going to be adverse, I mean its part of job to also be out in the community and trying to interact and mediate some of these design activities that go on.

There's not a formal review process, Mr. Smith, unless there involves some kind zoning consideration. I think that's partly what our jobs are as elected officials, to try to have influence ultimately on what the Administration does. The E&C to their credit for as long as I've been active on Council with the Planning Department and Parks has always had a large degree of citizen input on redesign of playgrounds and park lots and now I'm going through activities at Arsenal Park and 57th Street Arco Field where there's lot of community input and involvement.

I think it happens in varying degrees depending on how active the Councilmember is. So I think we need to be the ones vigilant on this but I would welcome a site visit. I would certainly participate.

The Chair:

Councilman would like to set up a site visit in the next couple of days and get the appropriate Administrative people there.

Mr. Smith:

Yes sir. Mr. Ferlo, I have absolutely no problem with Parks and Recreation that is actually going to hold a community meeting in my neighborhood on the 21st of July in regards to what will happen to the Robert E. Williams Memorial Park during the construction of the

Herron Hill Reservoir Tanks. But I find it very interesting that I was not on Council when this project was approved. But I find it very interesting especially since you brought up the difference between new construction and maintenance with a piece of legislation that new construction in a new community and a new design. I sat through a Bill with Mr. Cohen who's interest was the bridge and the Jersey barrier.

This is not twenty feet. This is only a one lane street. It is not twenty feet from someone's home and yet we have input through this design of a bridge. I think we need to develop if it does not exist a mechanism that when it is not maintenance, when it is not a replacement of what exists and there is a design change, that the community gets to see the design change and understand the concept.

Mr. Ferlo:

I just want to clarify. I agree with you totally. I'm only explaining that often times they build what comes to the table. They'll say emergency wall reconstruction or something to that effect for the Dakota Andover. At that time we had the forum right in Council where we interact with the Administration and go over all the details and if there is problem there can be a site visitor if a Councilmember has a concern that its going to have an adverse impact. Often times Councilmembers will establish a community meeting for an Administrative person from Engineering and Construction to come out. Unfortunately, for whatever reason that didn't happen in this case.

I thought I was originally voting for some emergency wall reconstruction on a general resolution that was presented here several years ago. Again, I think that there's checks and balances unfortunately it didn't happen in this case.

Mr. Smith:

Well Mr. Ferlo, I think we suffer under the same thing that when we actually see someone work going on in our community we are so happy that someone is doing something to our infrastructure that we tend to sit back and just smile.

I think we need to proactive instead of reactive. This is just another instance where City tax dollars are causing the citizens to have to react instead of being the participantory.

The Chair:

Okay. Let's kind of summarize this up and have some direction as to what we want to do.

Mr. Cohen:

Very briefly Mr. President. I just want to support Councilman Smith in his inquiry and as he said it is in his district but it borders on mine. I think a site visit that Councilman Ferlo suggested makes alot of sense. Let's go out there and hopefully we can get the neighboring residents to be there at the same time and see what can be done to rectify the situation.

The Chair:

So Councilman Smith you'll set that up through Mr. Perry.

Mr. Smith:

Yes sir.

The Chair:

Thank you. Other issues?

Mr. Ricciardi:

Thank you Mr. Wagner. I'll be brief because of the lateness of the hour.

Several weeks ago I had a special meeting in these Chambers concerning speeding on certain streets in my district. In attendance were several departmental directors such as Public Works, Planning, Engineering and Construction and also the commander of the traffic control unit and also my commander and others representing the Administration.

To their credit they acted very immediately for example, half of the streets received vascar markings and vascar units that gave away many, many tickets. Additional signage where signage was needed. Again, last night there was an accident on a street in the South Side because of speeding. I'm not sure if there's increase speeding throughout the City of Pittsburgh in my district because of faster cars or maybe we're more aware of our surroundings.

I think it is definitely a problem. I remember that when having discussions with Director DiNardo during Committee Sessions several, several months ago when we needed additional police officers in the neighborhoods because of problems in the neighborhoods. We reduced our vascar units and I brought up a point there and I stated that I was very fearful because that might be sending out the wrong message and people that listen and listen very carefully might think that vascar is not in service.

What I'd like to ask is right now is from Director DiNardo. What is the status of our vascar units. Are they fully equipped now because of the additional officers being put on and what are there hours of operation and what neighborhoods are they working in? I believe vascar is very important. I believe speeding is a problem throughout the City of Pittsburgh and

again last night it showed that it could come to property damage and maybe even bodily damage in the future.

I just want to make sure our vascar units are operating again with the increase of police officers.

The Chair:

So this is a request for information from Public Safety.

Mr. Ricciardi:

To their credit Mr. Wagner, and you did request the staffing levels and they forwarded us that report. I commend Director DiNardo and the staffing numbers throughout the City of Pittsburgh and also the community orientative police officers that have been brought on under Commander Moffet. However, it never mentioned anything in that report concerning vascar.

Mr. Ferlo:

Mr. President and Members of Council. I think we need to clarify what course of action we're taking regarding the appointments to the Human Relations Commission.

First of all I do think we need an independent legal opinion from this Council at our own request regarding the interpretation of what actually constitutes a vacancy. It is true that many commission members serve past their term but in effect as far as I'm concerned the seat is vacant because if we use the Solicitor's logic in her memo to us, Council would be in a "Catch 22" because Council in effect would never have the ability to fill a so called vacancy because the interpretation of the Administration is that there is never a vacancy.

Therefore we would never be able to use what the framers of the Home Rule Charter had in mind and that is that people basically serve on a commission, board or authority for their term and if they go past their term its true that they continue to serve at will. I think the intent here is to have people serve for specific terms.

I would like to urge us to consider and I would introduce a resolution next week regarding this issue of the interpretation of and in response to the Solicitor's opinion on the commission.

Despite the Post-Gazette editorial this morning it always gets half the story right. I didn't wake up last week in the morning and say "Gee I think I'll go in and introduce a resolution reappointing members of the commission". It was not the thing on my mind at the time. A lot of other things are on my mind, not all of the suddend scrutinizing who's on commissions and introducing resolutions.

As I explained last week it was members of the commission who were concerned about their ability to continue to serve the rest of the year since they were past their expiration of their term. There desire to continue serving on the commission.

I would like to suggest that if we can clearly between now and tomorrow and I would ask maybe go through you as Council President, if we can ascertain from the Mayor and her Administration what their intent is regarding these issues. If they would indicate to us that these people will continue to serve under the Charter at will past their terms and it is the desire of the Mayor not to make any new appointments to the commission. I would suggest that we not interview and entertain reappointments but just leave it at that.

These individuals are only seeking a

direct response from the Administration and Council as to what their status is. If the Administration would indicate to us what their intent is by tomorrow then I would propose that we leave in tact those individuals to allow them to continue to serve until such time that the next Mayor whoever he or she maybe would make any necessary appointments. What's happening here is there's an effort by those individuals on the commission who are right now in the twilight zone who have been seeking audiences and trying to ascertain from the Mayor what her intent is for the rest of the year.

I would like to suggest in terms of process, Mr. President, with your permission that you communicate on behalf of this body to the Mayor and indicate to them and ask them what their intent is regarding these individuals in terms of them being able to serve out the rest of the year.

If they're not making any new appointments to displace the five or six names that are before us then I would suggest that we not interview. Leave them at will. They would continue to serve the rest of the year. The Mayor is not going to send over and abruptly take somebody off because they don't like the report that's coming out. Everything will be fine.

The Chair:

Well I believe that is their intent. I would hope we're not going to interview any people tomorrow or there is an intent to.

Mr. Ferlo:

Well I'm suggesting that if Councilmembers. Let me just make a scenario. That if the Administration gets upset at the Chairman because of some report that comes out and the Mayor all of sudden says I'm reappointing somebody to the commission. If they send over nominations we just not act on

them and in effect we'll leave things as a status quo.

That's basically what I'm urging that we consider doing. We allow the people to serve at will past their terms. They continue to serve on the commission and we not respond to any new appointments by this Administration between now and the end of the year.

The Chair:

Well, I will work with Mr. Perry to jointly put together a communication requesting information as soon as possible on the status of the people who's terms have expired on the Human Relations Commission and the intent of the Administration in regard to those individuals.

Mr. Ferlo:

I think that way everybody can have their cake and eat too. The Mayor can have her cake and we're not interrupting her prerogatives. We are happy because we continue to have great commission members who will fill out the rest of the year. Those commission members can at least have the security of knowing that regardless of whatever actions they take or whatever provocative actions they take they will be secure in their positions the rest year.

I think we should just leave it at that.

Mr. Cohen:

Mr. President, I think that's a wise course you suggested. Two points. One is we still though have the six members scheduled to come before Council tomorrow for a pre-agenda. What I suggest is that we notify them, hold them off until you have taken your action and we resolve perhaps with the Mayor's office.

The second thing is when we did pass a

Bill based on the magistrate issue and Council President Wagner and I have discussed this on the Deborah Miskovich affair. The referendum that was passed the Bill that we passed and was passed by all the people of the City of Pittsburgh says that upon the expiration of their term, if the Mayor hasn't appointed within 60 days then Council can appoint. The Home Rule Charter, as Councilman Ferlo says, doesn't say upon the expiration of the term. It says upon a vacancy.

I think that's a flaw in The Home Rule Charter and I think that we should at least think about the possibility of changing that or asking the residents to change that so it says upon the expiration of the term rather than upon a vacancy because a vacancy happens very infrequently really only upon the death or in incompetance of a member. But I think we should have that upon the expiration of the term and think about changing The Home Rule Charter.

The Chair:

Let's see if we can get this resolved by next Tuesday.

Mr. O'Connor:

One quick subject. We passed Bills 2693 and 2694 today. I thank my Councilmen. I wanted to publicly acknowledge the URA and Director Birru and his staff. These concerns Glenwood and the development down their. This will be the first step in what we hope is many development in the Greater Hazelwood Area which I thank them and hopefully see a lot more

development in that area.

I want to send a message not only to them but the people in Hazelwood that were really on top of it and I think a lot of good things are starting to happen in the Greater Hazelwood Area.

Mr. Ricciardi:

My administrative assistant pointed out that I believe that one of our colleagues Mr. Smith has inadvertently not been placed on the minutes. Thank you.

The Chair:

Thank you for bringing that to our attention. Sorry about that Mr. Smith.

Mr. Ferlo moved to approve the Minutes of Tuesday, June 22, 1993.

Mr. Ricciardi seconded the motion.

Which motion prevailed.

Mr. Cohen moved to excuse Michelle Madoff for absence from the meeting.

Mr. Ferlo seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Ferlo**

Council adjourned.

MUNICIPAL RECORD

Proceedings of the Council of the City of Pittsburgh

VOL. CXXVII

Tuesday, July 20, 1993

No. 29

Municipal Record

PRESENTATIONS

Mr. Ferlo:

I'd like the representatives of the Coalition to come forward, please.

Mr. Ferlo, Mr. Darkins and Mr. Smith present

No. 2927 WHEREAS, thirty (30) years ago on August 28, 1963, hundreds of thousands of Americans, including thousands of Pittsburghers, gathered together and marched in an historic demonstration in Washington D.C., as part of a nonviolent nationwide "Coalition of conscience", to demand an end to racial segregation and discrimination by law; and

WHEREAS, that historic and awe inspiring event of August 28, 1963 was forever immortalized by Dr. Martin Luther King, Jr.'s "I Have A Dream" speech; and

WHEREAS, thanks to the persistence, courage and hard work of Dr. Martin Luther King, Jr., those hundreds of thousands of Americans who demonstrated in Washington, D.C. on August 28, 1963, and thousands of other brave Americans active in the civil rights movement some of whom gave their lives in the struggle for justice and equality, Congress passed and the President signed both the Civil Rights Act of 1964 and the Voting Rights Act of 1965; and

WHEREAS, twenty (20) years after that

ONE-HUNDRED TWENTY-SEVENTH COUNCIL

JACK WAGNER President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON-WASLER Asst. City Clerk

Pittsburgh, PA
Tuesday, July 20, 1993

PRESENT:

MR. COHEN	MR. ONORATO
MR. DARKINS	MR. RICCIARDI
MR. FERLO	MR. SMITH
MR. O'CONNOR	MR. WAGNER
	(Pres't)

ABSENT:

MICHELLE MADOFF

The Meeting was opened by the recitation of the Pledge of Allegiance to the Flag of the United States of America, and a moment of silent prayer for peace throughout the world.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

historic occasion, on August 27, 1983, nearly half a million Americans joined together in a "New Coalition of Conscience" to stage a 20th anniversary March on Washington demanding sanctions against the racist apartheid government of South Africa and a National Holiday in honor of Dr. Martin Luther King, Jr.; and

WHEREAS, within three years of the 1983 March, legislation imposing economic sanctions against South Africa and creating a National Holiday in honor of Dr. Martin Luther King, Jr. were both signed into law; and

WHEREAS, today in 1993, as we have entered the post Cold War area, elected a new Congress and a new President, there is a more urgent need than ever for a "New Coalition of Conscience" to be heard and heeded in our nation to address the ever deepening crises we face in the areas of Jobs, Justice and Peace for All Americans; and

WHEREAS, Mrs. Coretta Scott King and Reverend Joseph Lowery are convening the "New Coalition of Conscience" comprised of over 200 civil and human rights, religious, labor, women's, youth environmental, peach service organizations which is sponsoring a 30th Anniversary March on Washington set for Saturday, August 28, 1993; and

WHEREAS, recognizing that many of the young pioneers who must lead us into the 21st Century were not even born in 1963 when their forerunners rallied at the Lincoln Memorial, the conveners of the 30th Anniversary March have established as a sub-theme of the March our "Passing of the Torch" to a new generation of leaders of conscience in our nation and are asking all those who marched in 1963 to return to Washington on August 28th of this year, bringing with them their offspring to formally pass the mantle of leadership of the "New Coalition of Conscience" to the next generation.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby officially supports and endorses the goals and efforts of the "New Coalition of Conscience" and the 30th Anniversary March on Washington planned for August 28, 1993 and encourage our residents to attend; and

BE IT FURTHER RESOLVED, by the Council of the City of Pittsburgh, that the week of July 19 - July 25, 1993, be and hereby is proclaimed to be "Jobs, Justice and Peace Week" in the City of Pittsburgh.

Mr. Ferlo moved to adopt the resolution.

Mr. Cohen seconded the motion.

Which motion prevailed.

Mr. Ferlo:

With your permission, we have two representatives of the Coalition here, Jerome Fuller who is a student intern at the Urban League working with the Housing Now Coalition, as well as Ellis Jefferson. And with your permission, I'd like both of them to say a few words and any of the union folks who are here also. And then, if Councilman Darkins and Councilman Smith could express their comments, I'd appreciate it.

Mr. Fuller:

Honorable Council, I would like to thank you and thank everyone for their support.

We also have these fliers that you may want to pass around to the Councilmembers to kind of post up as a commemorative type of inspiration.

We just basically want to thank you for all

the support in the promotion. We have 42 buses going to Harrisburg, to Washington, D.C. We're trying to fill these buses. They have been reserved and the down payment has been paid. And we're just really trying to promote this thing as an inspiration to the youth and promoting this commemorative mobilization for the march on Washington on August 28th.

Again, I'd just like to thank the honorable Council and everyone. Thank you veyr much.

Mr. Jefferson:

I don't have anything to say. The only thing I wanted to say is that I'm glad for young men like this Jerome Fuller who was raised in the projects, who is a student at Slippery Rock, and showing our people.

Mr. Ferlo:

An old friend from the Steelworkers' Union, Oliver Montgomery, would like to say a few words on behalf of the Coalition of Black Trade Unionists.

Mr. Montgomery:

Thank you. First, I would like to express our deep and heartfelt appreciation for the support of the City Council and the Mayor for this march.

I fortunately was one of the participants and one of the national organizers of the first march where Dr. Martin Luther King made his famous speech. It was quite a march. There has been never any time in my entire life, and I'm up in my 60's now, that I have witnessed such reverence and such feeling and such devotion, even in the Service. Nothing like that march. So we're certainly deeply grateful.

Actully, in supporting this march, I'm

wearing actually four different hats. Number one, I am also coordinator for my union and Steelworkers of America who will be furnishing mini-buses, quite a few buses from downtown Youngstown and nationwide in support of that march.

Also, I am on the National Executive Council of the National Coalition of Black Trade Unionists, and our National President, William Lucy who is International Secretary Treasurer for AFSCME is National Program Coordinator with Mrs. King and the rest of the organizers.

In addition to that, we're also supporting from our suburban communities. Our Penn Hills branch of the NAACP will be sending some buses.

So, here again we are glad to pass the torch on to these young people to carry on that freedom struggle. Thank you very much.

Mr. Darkins:

Mr. President and my colleagues on Council, this is a quite a rewarding event because when we think about 30 years ago, and I was listening to the former speaker speaking in terms of how it was all organized, well, I was a part of that organization. I was in Washington at the march.

My relationship with the late Martin Luther King was a very congenial one because I attended Moorehouse College in Atlanta, Georgia some 30 years ago. It was a part of my scholarship that I also had a job. I don't think my colleagues know about this so that's why I want to tell you. But for two years I was the organist of the Ebenezer Baptist Church in Atlanta and I was the recipient at that time, we're talking 30 years ago, I was receiving \$5.00 a week as an organist at Ebenezer Baptist Church.

So, I have been involved through the years in the freedom march. I have been involved with the Kings, Coretta, and last year, if you remember, I had his son at our church in Homewood.

And I want to commend Councilman Ferlo and everyone that has come in today. We're going to fill those buses. We will definitely fill the buses. I'd like to see some of our colleagues from Council go down to Washington. It's more than just a neighborhood involvement; it's a national day.

The dreamer died, but his dream lives on.

Mr. Smith:

I just want to say that it is very much my honor and my privilege to be a part of and a party to the passing of the torch to the next generation. The price of liberty is eternal vigilance and I feel that we need to prepare the next generation, inform them where we've been, and point them in the right direction. And I feel very honored to be a part of this.

Mr. Ferlo:

Again, I just want to thank the Coalition members and I know all of our colleagues will be supportive of the Coalition's efforts. I know each one of us in our districts can do some outreach and participate.

I just want to say in closing, and I'm sure there are other comments from some of the colleagues here, that the march timing is very important. Maybe I'm just speaking for myself and I don't want to sound partisan as a Democrat, but I am extremely disappointed at not only the Congress but certainly the actions of President Clinton of late. The fact of the matter is, many people worked hard for a long time for a fundamental change of policy emanating from the

White House, and so far we haven't seen that change. We've seen a President that has put out a number of initiatives only for him to run helter skelter in the face of even minimal opposition.

So, I think the timing is very critical. We made a social compact with the new President as it relates to fundamentally changing urban aid to the City of Pittsburgh and other cities and communities, including rural communities that are in dire straights after 12 years of Reganomics. And so far, even Mr. Clinton's revision and proposal for a new budget package has really ignored our youth, has really ignored our economy here within the City of Pittsburgh. So, in a way, my participation in the march will be my own personal statement to a new President and to a fundamentally new Congress, over which I think probably about 60 percent are new members, that they have strayed. They have not fundamentally fulfilled their commitments to make the kind of changes that I think a lot of people here in Pittsburgh and across this nation wanted to see.

So, I think the theme of the march, "Jobs, Justice and Peace", is appropriate. But I really think we need to point the finger much in the same way that Dr. King pointed a finger to the Congress and to the President then for needed passage of civil rights legislation. I think we need to be pointing a finger to the Administration in the White House that has turned his back on his commitments that got him elected in the first place. And if we want to talk about dollars and cents, we're fundamentally talking about aid that should come back to this City, lost Urban Development Action Grants, lost revenue sharing, lost job opportunities, business investment, you name it. And I really think that that needs to be part of the call and part of our cry at the August march this year.

So, I think the timing is very important. I think we need to get hundreds of thousands, if not

over a million people in Washington. We need to make that part of a lobbying effort in addition to the day-long march and rally because we have some very significant problems and we are confronted with them as municipal officials and we need our money back from Washington, D.C. Thank you.

Mr. Cohen:

I just want to take a moment to commend and congratulate all of you for this very, very important march. And I just recently received a letter from the Urban League asking for a contribution for the buses. Maybe we should get down to earth here a little bit and say that these buses are very expensive, and perhaps either Mr. Fuller or somebody else, since we are on cable television, could give the telephone number or the address where somebody who might want to give a contribution so that you could rent these buses could do so. I'm going to be giving a contribution myself. I think it's a very, very important march. And, perhaps, Mr. Fuller, I don't want to put you on the spot, but if you have that number if you could give it to the people of Pittsburgh, perhaps we'll get some contributions out of it.

Mr. Fuller:

Basically, it's being coordinated by the Western Pennsylvania Committee through the Pittsburgh Housing Now under the Urban League. You can send a donation in care of the Urban League of Pittsburgh, Pittsburgh Housing Now, 1 Smithfield Street, Pittsburgh, PA 15222-2222. You can attention or call Mr. Ellis Jefferson at (412) 261-1130. If you have any information, you can call. We will send out fliers or brochures or anything that you're interested in helping to fill the buses or be interested in finding out any type of information about the buses.

The Chair:

Thank you all, very much.

Mr. O'Connor:

Would Don Brown, and Diane Pezerek from Allegheny Schools, and Jan Tumas from the Volunteers for the Vintage Grand Prix, and Dan Torisky come forward, please?

Mr. O'Connor and All Members of Council present

No. 2928 WHEREAS, the Pittsburgh Vintage Grant Prix Association will hold its eleventh annual running of the Pittsburgh Vintage Grant Prix which, over the years, has expanded into a week-long celebration of vintage auto racing and dazzling displays of exotic and rare automobiles to be enjoyed by all in the Greater Pittsburgh area; and

WHEREAS, the Pittsburgh Vintage Grand Prix, the only all volunteer-managed and operated event of its kind, to date, has raised over \$500,000 for two worthy charities, the Allegheny Valley School and the Autism Society of Pittsburgh; and

WHEREAS, the success of this event is due solely to the nearly 1100 volunteers who, through their hard work, present to the people of Pittsburgh six days of fund and sport, and in doing so, greatly enhance the quality of life in the City of Pittsburgh.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby extend its thanks and appreciation to the Pittsburgh Vintage Grant Prix Association and to all of those involved who have worked so hard to bring about this high quality and exciting event, and further, encourages all of the citizens of Pittsburgh to attend and enjoy!

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare July 18 through July 25, 1993 as "PITTSBURGH VINTAGE GRAND PRIX RACE WEEK" in the City of Pittsburgh.

Mr. O'Connor moved to the adopt the resolution.

Mr. Onorato seconded the motion.

Which motion prevailed.

Mr. O'Connor:

I was having lunch yesterday at the Allegheny Club, and Dan Onorato and Chris Smith were there, and naturally there were a lot of ball players, and we were talking about the '60 Series. Dan said, "You know, I didn't see the '60 Series." I said, "Dan, you had to see the '60 Series. Everybody in Pittsburgh saw the '60 Series." He said, "I wasn't born yet."

But in the '50s and '60s in Pittsburgh, racing used to be a real hot bed around here. We used to race stock cars five nights a week at Heidleberg, South Park, William Penn, even in Green Valley in the North Hills we had a stock car track. The reason I know this, five nights a week, my family, we went to every race. We never missed one because my uncle was the local champion, Buddy O'Connor. I hope he's watching today. He picture was in the paper and we were very proud. A lot of kids went to camp but we never went because we always went to the stock car races to watch my uncle. So, I know a lot about racing.

I just came back from the Michigan 400 where a lot of people watch on television. The only real racing we have around here is maybe Jennerstown and Lenersville which is about 30 or 40 miles from the City and we watch it on T.V.

This gives us an opportunity in Pittsburgh to come out and see car racing, very exciting racing for a major two day event. I understand we moved the Start/Finish line. This year it will be on Bartlette Street in Squirrel Hill. The pits will actually be by the Hobart section of the park. So, it's much closer to our neighborhoods in Squirrel Hill and Greenfield. I hope you can enjoy it. It's really exciting and the nation has really taken over this sport.

I want to congratulate everybody not only for bringing such a wonderful sport to this City but the wonderful charity work that it does and the people it benefits. And I just want to thank you for coming. Congratulations.

Mr. Brown:

We just want to thank the City of Pittsburgh, Members of Council, Mr. President, for allowing us to go play in beautiful Schenley Park. So, on behalf of the Pittsburgh Vintage Grand Prix Association, the Vintage Sports Car Club of America, thank you very, very much.

Speaker:

I'd just like to say thank you again for letting us play at Schenley, have our cars out there.

I just want to say, this event is becoming so well-known. I have corner workers that come from ten different states just to work this event. Every year when I go back and say, "I need volunteers", each year I have more people say, "You've got to come." Pittsburgh is beautiful, it's fun, it's great, and they are coming back. Thank you.

Speaker:

Hi. I'm a seven-year volunteer with the

Pittsburgh Vintage Grand Prix. I'm on the Executive Committee right now. I got involved seven years ago not because I know anything about cars but because I have a mentally retarded brother who is a resident at Allegheny Valley School which is one of the two charities that benefit from the event. A letter went home to parents asking for people to come out that weekend and help sell T-shirts, so my brother and I went out to help and I just got more and more involved, to the point where I'm actually now employed at Allegheny Valley School managing their fundraising and PR activities.

But I just want to thank the City for the cooperation that allows us to have this event. This is Allegheny Valley School's largest fundraiser of the year, and Allegheny Valley School provides residential facilities for mentally retarded children and adults throughout the Western Pennsylvania area.

So, thank you for your cooperation. It allows us to do a lot of the things we wouldn't normally be able to do, provide equipment like wheel chairs and therapy equipment, and lots of facility renovations. Thank you.

Mr. Torisky:

I'm Dan Torisky. I'm President of the Autism Society of American and I just happen to live in Pittsburgh. I'm also one of the four founders of the Grand Prix Race in 1982 with Art McGovern and Mary Beth Gmitter and Myron Cope. The four of us met at the Press Club which is now dead, and created life with this Grand Prix.

What it has meant for the autism situation in Pittsburgh is that people move into this City, sometimes just for the summer for our programs that we have. It's a focal point for autism in the entire United States, and in 1997 there will be an International Conference right here in this town which will bring in about 2,500 people. I've

talked to Mr. Ferlo about it and we're going to arrange some special things for it.

We're proud of you people on City Council. We don't live in this City, a lot of us. Forty percent of our volunteers are from the City of Pittsburgh and the rest are from outside. But through all the difficulty with Schenley Park and everything, never once did any of you ever threaten our race. It was always a going thing. That was always a given. And you'll never know the gratitude we feel towards that, and I'm talking for everybody in the Grand Prix, that's 1,200 volunteers.

God bless you all and I'm glad I'm on the earth the same time you all are. Thank you.

Here is our poster announcing the race. These will be sold at the event and I'd like to present one to you and also one to Mr. Wagner. This is a color pencil, a volunteer effort as well. And this little baby last year won the nationwide award. This year it's an entirely new thing, a poster and artwork, and we expect this will win too. It gets us a lot of publicity.

Mr. O'Connor:

I just wanted to go over the time. The biggest event I think is at 1:00 Sunday and it goes all Sunday afternoon. And Saturday morning is more of a practice.

Mr. Torisky:

Right.

And tonight at the Rosebud, Ellis Marsalis, founder of all the Marsalis', Winton and all of them, is going to give a performance and workshop at the Rosebud, and you're all invited.

One other thing I have to say, all you Councilmembers, anybody in this room, check in

at the Golf Club House. We'll find parking for you and we'll make sure you get a good view of the race. Promise.

Mr. O'Connor:

Are you going to let me run around in a nice car or a Mazzerati? I want something nice to drive in. I want to ride around in a race car.

Mr. Ferlo:

Since Dan and Don and everybody else here is thanking us, I really think all of us need to thank the many volunteers and the leadership of the Vintage Grand Prix. I know often times you've had your battles and difficulties with some in the Administration but I think that's behind us now and I think we can improve on the event. But it's hard to improve on an event that's just a great event. If anybody, I think we owe you a big thank you and I wish you could express to all the volunteers the City's thank you because you not only put on a tremendous event recreationally, but certainly it's a worthy cause in terms of the groups that benefit. I know hundreds of people that come in to the City from all over the Country and spend money and participate in this event and stay in our hotels. And, as far as I'm concerned, we should be doing more to help you with this event and if there's anything we can do to do that, you've got to please let us know because we need to put whatever problems behind us. This is a great event and it's got to become a permanent fixture in City government. And, if anything, we just owe you a big thank you and I wish you'd express that to the thousands of volunteers that have worked for the Grand Prix over the years. Thank you very much.

The Chair:

If I could just add to that thanking the Executive Committee, the Executive Director, John Walko, for doing an exceptional job, and

the thousands of volunteers that all of you have had over the years, to really help two very worthwhile organizations and young people in need. And, in addition to that, putting the City of Pittsburgh on the map in a way in which its never been put on the map before. We're really very thankful, the citizens of Pittsburgh, for all the work and the service all of you have given us. Thank you.

Mr. Smith:

I'd like to issue a challenge to all of my fellow Councilpersons, as I actually drove in the rally on Sunday. I'm issuing a challenge for next year for everyone on Council to join with me and try to beat me in the rally. And here's my plaque for actually finishing the race.

I think that it's very important that we not only support events that get nationwide acknowledgement, but help the community and, of course, bring the suburbanites in to spend their money.

So, next year I expect everyone to have their application and be down there in the morning to go for the kickoff rally when the event happens next year.

The Chair:

Thank you all.

Mr. Cohen presented

No. 2912 Resolution providing for the City Controller and the Director of General Services to enter into a Contract or Contracts, to purchase from Com Squared Systems, Inc. the Optical Scanner Equipment and Maintenance at a cost not to exceed \$40,000.00, chargeable to and payable from Code Account 1051, Equipment.

Which was read and referred to the Committee on Finance.

Mr. Darkins presented

No. 2913 Resolution vacating a portion of Stiles Way between Perrysville Avenue and Saturn Way in the 25th Ward, 1st Council District of the City of Pittsburgh. The Department of Finance places a value of \$500.00 as the cost for the private request for this vacation.

Which was read and referred to the Committee on Public Works.

Also,

No. 2914 Resolution Repealing Resolution No. 247, eff. March 25, 1993 entitled "Providing for the letting of a Contract or Contracts, or the use of existing Contracts for the purchase of play equipment for the Department of Public Works at a cost not to exceed \$15,760.00, chargeable to and payable from Code Account 3-01-40-0060-93, Index Code 875708, Play Equipment, Department of Public Works.

Which was read and referred to the Committee on General Services.

Mr. Ferlo presented

No. 2915 Resolution whereas the Economic Development Administration can provide substantial support for job creation, infrastructure, and project development.

Which was read and referred to the Committee on Planning, Housing and Development.

Also,

No. 2916 Resolution providing for the issuance of a warrant in favor of Amita Long,

4734 Kinkaid Place, Pittsburgh, PA 15224, in the amount of \$721.00 in payment for professional services rendered to Councilman Jim Ferlo for the month of July, 1993, chargeable to and payable from Code Account 1001-1, Misc. Services, Supplies, Equipment, etc., City Council, District #7, (Index Code 100115).
---(SPONSORED BY MR. FERLO)

Which was read and referred to the Committee on Finance.

Mr. Ferlo moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. O'Connor seconded the motion.

Which motion prevailed.

Also,

No. 2917 Resolution providing for an Agreement or Agreements for the provision of operating support to the following Community Based Organizations undertaking community economic development activities: Pittsburgh Partnership for Neighborhood Development, the Lawrenceville Development Corporation and Lawrenceville Citizens Council at a cost not to exceed \$54,060.59, chargeable to and payable from the Community Based Organization Trust Fund.

Also,

No. 2918 Resolution approving a Conditional Use Exception under Section 993.01(a)A(9) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993, to the Community College of Allegheny County for authorization to construct a three-story, 50,000 sq. ft. Student Center to be located on the South

Side of the 800 Block of Ridge Avenue between English Way to the west and Chapel Way to the east on property zoned "R5" Multiple-Family Residence District, 22nd Ward, Council District No. 6.

Which were read and referred to the Committee on Planning, Housing and Development.

Mr. Onorato presented

No. 2919 Resolution providing for the issuance of a warrant in favor of James Zehfuss, Riverview Towers, 15 Report - Apt. 301, Pittsburgh, PA 15212, on behalf of the United Senior Citizens of the 27th Ward, in the amount of \$125.00 in payment for recreational activities provided to Senior Citizens, chargeable to and payable from Code Account 1001-1 (100115), Misc. Services, Supplies and Equipment, City Council, District No. 1. **---(SPONSORED BY MR. ONORATO)**

Which was read and referred to the Committee on Finance.

Mr. Onorato moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Ferlo seconded the motion.

Which motion prevailed.

The Chair presented

No. 2920 Resolution transferring the amount of \$25,000.00 from Code Account 1002 (100206) Salaries and Wages, Regular and Temporary Employees, City Clerk's Office to Code Account 1006-9 (100693) Workers Compensation, Index Code 100693, City Clerk's Office.

---(SPONSORED BY MR. WAGNER)

Which was read and referred to the Committee on Finance.

Mr. Ferlo moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Smith seconded the motion.

Which motion prevailed.

Also,

No. 2921 Resolution authorizing and directing the Director of the Department of Finance to advertise for proposals and to award and enter into a Contract or Contracts with a commercial realtor or realtors to market City of Pittsburgh tax delinquent properties.

---(SPONSORED BY MR. WAGNER)

Which was read and referred to the Committee on Finance.

REPORTS OF COMMITTEES

Mr. Cohen presented

Bill No. 2922

Report of the Committee on Finance for July 14, 1993 transmitting one ordinance and sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2867

A Resolution entitled, "Resolution authorizing the transfer of \$800,000 from Code Account 1677, Index Code 167700, Garbage, Refuse & Ash Removal, Dept. of Public Works, to Code Account 1443-4, Index Code 144345, Premium Pay.

Which was read.

The Chair:

I have one brief comment in regard to Bill No. 2867, which is a transfer of monies from Environmental Services to Public Safety for the purpose of paying police officers.

I have a bill in front of Council tomorrow which I suspect the majority of Council has spoken in the affirmative about which is the collection of refuse, three additional days a year in the summer after Memorial Day, Independence Day and Labor Day.

One of the two reasons why I introduced that bill was due to the surplus of monies in Environmental Services, due to the renegotiation of a contract or a new contract which is going to show significant savings to the City of Pittsburgh.

I want to state that on record. I'm supporting this bill, but at the same time I know that there are extra monies available for the purpose of which many members of Council have talked about in the past. And I would suspect there's an additional \$30,000 available for this year and additional monies for next year. The savings next year to the City of Pittsburgh will be over \$3 million.

Mr. Ferlo:

Mr. President, first of all, I support what you introduced and I want to thank you. I wasn't

clear on whether you were saying that allocating these dollars is a problem to support what you were introducing.

The Chair:

No, it is not a problem but not knowing the exact number of dollars saved, I fully expect that we can find \$30,000 additional for one day this year.

Mr. Ferlo:

You're saying a landfill bid is coming in after you initially introduced the bill.

The Chair:

Yes. The landfill contract bids have showed at least an \$800,000 savings which is what is in this bill and is being transferred. I'm sorry if I didn't clarify that for the public, but I would hope that the Administration can find an additional \$30,000 to pick up the refuse after Labor Day one day this year.

Mr. Ferlo:

As part of that, Mr. President, first I want to applaud you for taking initiative on that bill that we've been debating and arguing about in this Council regarding the summer pick up. But, since there are some additional monies, I think we have a major crisis in the City regarding the refrigerator policy. I don't know if I'm alone in my district but we have a major problem with refrigerators being dumped, often times either in the front or the rear of private residences, only to find the City harassing the private resident, suggesting that they somehow put the refrigerator out on the lawn. In most cases, that is not the case.

We have a lot of illegal dumping of refrigerators. It's a major environmental problem

and I would hope that in addition to your bill that you introduced and this issue you raised now about additional revenues being available, that we can also address the refrigerator problem.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also, with a **NEGATIVE** recommendation,

Bill No. 2843

A Resolution entitled, "Resolution providing for the issuance of a warrant in the sum of \$19,000 to STANLEY J. DUTCHKO, C/O TIMOTHY O'BRIEN, ESQUIRE, Lawyers Building, 14th Floor, 428 Forbes Avenue, Pittsburgh, PA 15219 in full and final settlement of an arrest by City of Pittsburgh Police, on or about July 3, 1991.

Which was read.

Mr. Onorato:

I'd like to make a motion to recommit. There has been a lot of discussion since last week and all the rhetoric that we put on the floor on Wednesday and the position that we want to take to support the Police Department. Now there seems to be some misunderstanding about the case and the legal arguments that were made and the summary judgments that the Judge sent down. I want more explanation and I'd like to do it on a Wednesday session on TV so we can actually let the people know what's going on, and then we can re-evaluate it and if the same vote is going to happen, so be it. But I'd like to wait and here the full discussion take place tomorrow.

Mr. Ferlo seconded the motion.

Mr. Ricciardi:

Discussion. As a courtesy to the Chair of the Department of Public Safety, I will support recommitment of this bill. It was my understanding, however, that it was the will of this Council that we would appeal this to the Third Circuit Court of Appeals, and I'm just hoping when the Administration opened their doors yesterday when they were lobbying, a gust of wind didn't come by and blow away our legal line that we drew in the sand. So, I'm looking forward to having this discussion tomorrow.

Mr. Ferlo:

On recommitment and the legal line in the sand that Mr. Ricciardi pointed to which is in reference possibly to a quote I made a week ago, unfortunately that legal line in the sand has withered away to be nothing more than a mirage. So, I certainly support recommitment because we really need to talk about this bill.

The Chair:

All in favor of the motion to recommit?
Opposed?

WHICH MOTION PREVAILED.

Also, with an affirmative recommendation,

Bill No. 2844

A Resolution entitled, "Resolution providing for the issuance of a \$1,579.89 warrant in favor of Carl Boughton in settlement of a claim for automobile damage by a City Public Works vehicle, charging same to Code Account No. 46, Index Code 004606 Judgments.

Which was read.

Also,

Bill No. 2845

A Resolution entitled, "Resolution providing for the issuance of a \$1,201.40 warrant in favor of Patrick Smorada in settlement of claim for auto damage by a City Public Works vehicle, charging same to Code Account No. 46, Index Code 004606 Judgments.

Which was read.

Also,

Bill No. 2846

A Resolution entitled, "Resolution providing for the issuance of a warrant in the sum of \$2,000.00 to Berger, Kapetan, Meyers, Rosen, Louik & Raizman, P.C. , Suite 200 The Frick Building, Pittsburgh, PA 15219-6003, Attorneys for Julianne Atkinson and Barbara Atkinson, her Mother, in full and final settlement for personal

injury.

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8

NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 2847

A Resolution entitled, "Resolution transferring the sum of Thirty Thousand Dollars (\$30,000) to Code Account 1045-9, Index Code 104596, Department of the Mayor, City Information Systems from Code Account 1044, Index Code 104406, Supplies, Department of the Mayor, City Information Systems.

Which was read.

Also,

Bill No. 2848

A Resolution entitled, "Resolution providing for the conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Which was read.

Also,

Bill No. 2849

A Resolution entitled, "Resolution repealing Res. No. 434, Item I, app. 4-23-92 which authorized the sale of a two story, fra. hse., located at 3221 Stafford St., 42-G-83, together with a adjoining vacant lot, 3211 Stafford St., 42-G-85, 20th WD. to Louis A. Vojtash and Shari Heagy, for the sum of \$7,000.00.

Which was read.

Also,

Bill No. 2850

A Resolution entitled, "Resolution repealing Res. No. 385, approved 4-29-93, entitled "Providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Which was read.

Also,

Bill No. 2868

An Ordinance entitled, "An Ordinance supplementing the Pgh. Code, Title Seven-Business Licensing, Article IX-Amusement

Businesses, Chapter 771-Amusement Places and Producers.

--(SPONSORED BY MR. ONORATO)

Which was read.

Mr. Onorato:

Mr. President, on Bill 2868 there was a lot of discussion last Wednesday. This is the bill I introduced regarding the boxing event to take place in the City of Pittsburgh.

I have an amendment based on the discussion from last Wednesday. Everyone should have a copy of the amendment in front of them; I passed it out before the meeting.

I'd like to read the amendment. It pertains to Code Section 771.05(c) and it will read as follows:

"771.05 LICENSE FEES FOR PRODUCERS.

(c) For amusements which are licensed by the State Athletic Commission (boxing, kick-boxing and wrestling), the producer is required to have City paramedics and a City ambulance specially detailed to the event and, in such cases, the producer must present sufficient evidence (that the producer obtained City paramedics and an ambulance) before obtaining a permit. The producer is responsible for the cost of City paramedics and an ambulance covering the event. Off-duty City paramedics and a back-up ambulance shall be used so that Emergency Medical Services provided to City of Pittsburgh residents will not be diminished."

If you look at the amendment, everything that's underlined has been added. We make specific reference to City paramedics. That discussion came up. I still believe strongly that any event pertaining to boxing, kick-boxing and wrestling, that any paramedic or ambulance

being used must be a City paramedic or City ambulance. It's within the City limits and we probably have the best EMS services in Western Pennsylvania.

The cost factor will not prohibit any of these events and I'll give you an example. Talking with the EMS Department, it's approximately \$19 an hour for a paramedic. Two of them are usually required, so let's round it off to \$20 an hour. That's \$40 for two paramedics plus \$25 an hour for an ambulance. That's \$65 an hour, total. If the event is three hours long, it's \$195 for the event, which is a minimal price to pay for the safety of both participants and any of the spectators at the event.

Mr. Ferlo seconded the amendment.

Mr. Cohen:

I just want to commend Councilman Onorato for this bill. Clearly there was a need for this bill as evidenced by the unfortunate event that happened a couple of weeks ago at the boxing event, and I think that Mr. Onorato's bill will prevent that kind of harm from happening in the future. So, congratulations to Councilman Onorato.

The Chair:-

All in favor of the amendment?
Opposed?

WHICH MOTION PREVAILED.

The Chair:

Is there any further discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 2870

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Public Strategies, Inc. in the amount of \$1,600.00 in payment for professional services rendered to Councilman Eugene Ricciardi for the month of July 1993.

--(SPONSORED BY MR. RICCIARDI)

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith

Mr. O'Connor

AYES 7 NOES 1

(MR. WAGNER VOTING NO)

And there being two-thirds of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2792

A Resolution entitled, "Resolution authorizing the Director of Finance to retain a retiree health insurance and cost-reduction program.

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2886

A Resolution entitled, "Resolution providing for a warrant in favor of Pittsburgh Film Office in the amount of \$67,000 in payment for the operation of the Pittsburgh Film Office, chargeable to and payable from the Pittsburgh Film Office Challenge Trust Fund (PFOCTF).

---(SPONSORED BY MR. COHEN)

Which was read.

Also,

Bill No. 2887

A Resolution entitled, "Resolution providing for a warrant in favor of C. Megan Huges in the amount of \$407.00 in payment for professional services rendered to Councilman Cohen for the month of June 1993. --- (SPONSORED BY MR. COHEN)

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bills passed finally.

Mr. Cohen:

Mr. President, I'd like to move that Bill 2886 become effective upon the signature of the Mayor, please.

The Chair:

With the change that recently occurred, there's no need for that motion.

Mr. Cohen:

Thank you.

Mr. Darkins presented

Bill No. 2923

Report of the Committee on Public Works for July 14, 1993 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2852

A Resolution entitled, "Resolution granting unto Marie N. Haines with an address at 1134 Beechwood Boulevard, Pittsburgh PA 15206, her successors and assigns, the privilege and license to construct, maintain and use at her cost and expense, a concrete and brick retaining wall and a set of concrete steps in the 14th WD.

Which was read.

Also,

Bill No. 2853

A Resolution entitled, "Resolution vacating a portion of Unnamed Way from Brighton Road to 119.83 feet southwesterly to the already vacate portion of Unnamed Way in the 25th WD.

Which was read.

Also,

Bill No. 2854

A Resolution entitled, "Resolution vacating Converge Way between Canal Street and East Ohio Street in the 23rd WD., 1st District of the City of Pittsburgh.

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Ferlo presented

Bill No. 2924

Report of the Committee on Planning, Housing and Development for July 14, 1993 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with a **NEGATIVE** recommendation,

Bill No. 2800

A Resolution entitled, "Resolution approving a conditional use under Section 993.01(a)(7) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993, as amended, to the City of Pittsburgh for authorization to construct a one-story fire station on a 35,000 sq. ft. located at 111-115 Central Avenue, 27th WD.

Which was read.

The Chair:

An aye vote would be in favor of the conditional use. A no vote would be against.

I'd like my comments brought forward on this bill.

Mr. Onorato:

First, I'd like my comments brought forward from Wednesday.

(REMARKS ON FOLLOWING PAGES)

(BEGINNING - MESSRS. ONORATO'S AND WAGNER'S COMMENTS ON BILL NO. 2800, WEDNESDAY, JULY 13, 1993)

Mr. Onorato:

At this point I will invite anyone from the Administration who would like to come forward and respond to any questions that were made. Obviously I don't support it and I would ask my colleagues to vote no the particular bill.

If you look at map in the package so we know what we're talking about, there's a picture of the neighborhood involved here.

The Chair:

Does everybody have a copy of this?

Mr. Onorato:

I would like to first make a comment about just our process of the Planning Commission. I didn't realize and Director Downing maybe you can help me with this and maybe we can actually change the procedure in the future.

I was looking at the notices for the reconvened hearing when it went back to the Planning Commission and I noticed that the letter you sent to my office said that you sent notices out to anyone that participated in the first meeting as opposed to -- I don't know who else you would mail to in the surrounding area and I looked at the list and it was total of six residents that received a letter about the notice and I guess I didn't realize that it could be that minimal, I thought that we actually send out notices to a wider area.

Dir. Downing:

When we do the initial hearing, we notify people within 150 feet, the legal requirement is within 150 and in some cases it actually is broader than that. We post the area with ten notices and we mail to the list of organizations that have registered with the department for notifications purposes and then we have a list of general people we notify, the media and things like that. So we do that the initial --

Mr. Onorato:

-- I should point out that the media was listed and so was a few community groups from the Northside.

Dir. Downing:

And then what happens normally at the continued hearing, at the end of the initial hearing there's a statement made by the Chair that says this will be continued within a few weeks please call if you're interested and so what we did was go back and notify everyone that was actually in attendance at the first hearing and I think we actually notified everyone else that was in the original list because we were conscious of the time delay so if we only notified six residents it's because that's how many people were there at the first hearing.

Mr. Onorato:

And then the other question which I don't know the answer to, when we reconvened this, did we have to repost the signs?

Dir. Downing:

No.

Mr. Onorato:

I'm not saying anything was done deliberately but I think in the future on an issue of this importance that maybe we should have to repost the sign because there was no set time after the first one because of the situation. We didn't say we will meet in two weeks or three weeks because we didn't know at that point. It actually went to court and then it came back and maybe between my office and Planning in the future if there's something like this that we should make sure that we do get the message out to everyone in a different way. Because probably normally the reconvening would work if the notice was given at the end of the first meeting but in this case it wasn't. I just wanted to point that out.

I was talking with some of the residents in the Woods Run area and I'm going to talk about where the station was actually located. If you look at your map the location of the station would be that checkered area right at the corner of Woods Run Avenue and Central. There's concern from the neighborhood and I'll express their concern and my concern too of what would happen with the fire station at this location and what actually is by a fire station. Right on Woods Run across the street in the direction of Palen Way going that way across Woods Run and Central is the Carnegie Library. Right next to that is a city playground going down Woods Run and right across the street from those two is an area where there is an ice cream stand, so there is a lot of activity down there with children because of the playground and there's a concern of the traffic with the trucks.

I also received calls regarding the intersection of Woods Run and Brighton Road which would be the main intersection

coming out and the traffic would be involved with having a pumper down this facility. The concern with the activity not just with fires but also with the first responder that this pumper would respond to because it would take the response time of two pumpers right now that are both currently first responders. Under this plan the elimination of the one pumper and having the one down on Woods Run, they would handle both calls so there would be some activity and in looking at the stats of prior years that worked out roughly to maybe an hour a day where they could be doing first responder time. Obviously that would go up and down and it wouldn't be an hour every day but that would be the average. So the concern of safety to the individuals in the area and there is a legitimate question of should we have a fire station out of this area as opposed to where they come from now which is Shadeland Avenue and Ortsley Street in the surrounding areas that way but I would like to hear from the Administration on those comments to start before I turn it over to colleagues.

Dir. Downing:

The staff analyzed this situation as we do with every conditional use. There are sidewalks on both sides of the street in front of the library, in front of playground; there's adequate site distance. The playground is fenced as are most playgrounds. There are adequate measures to prevent children as in any playground from coming out into the street, and the amount of traffic that is generated by the fire station is minimal and the employees to the fire station is minimal so we don't bring additional congestion.

Mr. Onorato:

What are you basing the traffic pattern of the fire station or what it would be if it was there? You said it would be minimal, what's that based on?

Dir. Downing:

The number of calls to the fire station.

Mr. Onorato:

Both of them?

Dir. Downing:

No.

Mr. Onorato:

Does that include both stations? Because if you had one pumper that would take over the duties of both pumpers so I want

to make sure that was clear too. That's why I said it would roughly one hour a day because I was combining the stats of both pumpers and first responders.

Dir. Downing:

In terms of the standards that the condition use has to meet, one of them does have to do with the traffic safety and things of that nature and in the staff's opinion and the Commission agreed with us that this not going to significantly impact land uses and traffic on the streets and so that they believe that the standards were met and this was a good site for a fire station.

Mr. Onorato:

Obviously I disagree and I have read your report here. I want this to be clear. This site was a vacant lot and now we'll have a fire station on there with an exit and an entrance or an opening on both Woods Run and Central Avenues. Last year alone we had a lot of problems with Grand Avenue and Central because that is the dead end going into Riverview Park there and we had a lot of problems with public safety and speeding. Last year Director DiNardo and I had to go out there three different times and actually post police officers and also put in the VASCAR system and we had a put in three different stop signs because for some reason and this wasn't do to the Public Works facility back there, it was actually due to a particular grove and ballfield that was cut off from the rest of the park because the street collapsed and this is the only way to get in there and that filled up the traffic on the street because you can no longer get to those facilities through the park, you only can get in there this way and to date that road is not fixed and I don't know what we are going to do with the road, it's a question that we have to address at this point, and I don't know if you took that into consideration when you were looking at the site but there is increased traffic because of that situation that exists down there and the neighbors obviously know about that because they were the ones that were really complaining, the ones that actually live on Central and Grant and have a concern that now we're adding a public safety facility with a fire truck and the congestion between all of this, the library, the park that it's too much and there's strong opposition down there and I think that should be pointed here and that's why I'm against it and I'm hoping that my colleagues support me on that because this facility just isn't right for the firehouse. If you want to respond to the park situation that I just mentioned that's fine. You probably didn't address it.

Dir. Downing:

I can't address when the road will be open of if it will be.

Mr. Onorato:

No, I mean you probably didn't address the fact of the current condition, the traffic that was taking place or because of what exists in the park. Was that considered in your decision?

Dir. Downing:

When we analyzed the entire situation, the amount of traffic on Woods Run relative to the amount of traffic on Brighton Road is no comparison. There is not very much traffic on Woods Run compared to Brighton Road and therefore it is and in our opinion it does not -- the addition of the fire station here does not create additional congestion and the existing traffic is not enough to say this is an unsafe situation.

Mr. Onorato:

You also are reminding me of another point. The traffic is heavier on Brighton Road and as you know the intersection of Brighton Road and Woods Run is one of the larger intersections on Brighton Road with a lot of traffic especially during rush hour or school letting out and that's why we have the school crossing guard, it's a big area and there's been complaints that on Woods Run during those times there is backed up traffic both at Brighton Road and what happens for the fire trucks to get out in an emergency like that and the intersection gets clogged and that's a legitimate concern too because it's a daily problem with the traffic, it's not just a one time problem but we do have that problem there which we don't have at the other stations because they don't have to go through this intersection to start out.

Dir. Sciulli:

Number One, we did do some preliminary analysis in support of the fire stations with regard to traffic and our analysis supports what Director Downing is saying about the traffic on Woods Run did not warrant a safety hazard when we did the evaluation for the site.

In addition to that the point that you raised about the signal at Brighton and Woods Run, I'm not sure if you recall one of the things that as part of the plan is that through some modern technology we'll be able to have that light function through the use of equipment that is mounted on the fire trucks or at the station so that the light can be controlled at the station in the event of an emergency and it would purely be in the hands of the Fire Bureau and the engine company at that particular time. There may be backups yes as there are backups in any of our other fire stations but there is no special case

here that would prohibit them from accessing that intersection and using the modern telemetry equipment to optimize the signal.

Mr. Onorato:

I do know that the equipment is there and that it will be used but as you mentioned briefly there, it doesn't guarantee that the cars will get out of the way on time. It could work but we don't know. When it's that congested at points sometimes'--

Dir. Downing:

-- but they would control the green time, they would make the green time so the cars would go through the intersection.

Mr. Onorato:

They would get a call and then flick on the green lights to try to clear out Woods Run, I understand that and that's assuming that we can clear it up that fast.

Dir. Sciulli:

You would have to have a gridlock in every direction and even then people would have to pull off to the side as they do when we have a gridlock in other areas.

Mr. Onorato:

But it is a situation where we are putting the pumper behind the starting point into a major intersection and I realize you're putting in electric controls which we don't have at this point.

Mr. Turner:

There is nothing unique about where that's going and in fact from the view of the fire people that have looked at it from our standpoint, it's one of the easier ones to control. Obviously in this city you run into a lot of areas where you can have a lot of problems of cars stopping but by controlling -- I think if you didn't control the intersection that's more of a legitimate concern but with the controlling factor of the intersection they anticipate no problem.

Mr. Onorato:

Let me end by making a few comments about the area and about the concerns that I have along with the residents in the area.

When we moved the facilities from where they are currently located and we go to this site, we are going into an area where there is more congestion of different facilities be it the library, the playground and the problem that we have with the park at this point which also houses our Public Works site. I think that the firehouse will drastically change that area but currently it's a vacant site but currently it's half built and that's another issue we'll have to deal with and I'm asking my colleagues to vote this down we vote it down we'll deal with that issue at a different point, what do we do with a building that's half built and I realize that and that can be up for discussion and we can talk to the residents and talk to the Administration and see what do we do. Does the building come down, is it built for a different purpose, I don't know. I don't know the answer at this time but I would be more than willing to work with everyone to see what we do with that. There's also a cost factor involved and I realize that voting this down will create at least the \$900,000.00 to \$1 million problem with this particular site and that's something else we have to deal with along with the Administration and I'm ready to address that issue and start looking and finding ways of how we address that but at this point I don't think that the dollar figure should be the controlling point of it should be here. The question is it appropriate to have here in this location and I would say no and I would hope for some support. At this time I'd like to open up to my colleagues and have the opportunity to respond to any request that is made that I might know something of or vice versa.

Mr. Onorato:

On the same point real quick. It's true that it was well-known that this was coming up, everyone knew it was coming up. My issue about only six residents got a mailing, you know as well as I do a lot of times if I know something is coming up next week or within two weeks it's coming up, you might not know the exact date or exact time as opposed if you get a mailing at your house, it's a lot better to get a mailing at your house to know as a resident. I knew, my office knew and you told me. That day I was out on a personal problem at the hospital where I couldn't make it but when I found out there was one or two people from the area that's what made me look to see the invite list and that's when I found out only six residents actually received the invite and I wanted to make that point.

Mr. Wagner:

I respect all of the comments that I hear today but in reality we are not really talking about the issue and I think it's important to state that. The real issue here is not a conditional issue use for Woods Run because I'm sure the Woods Run community would love to have a fire station. They do not have a fire station. The real issue is the closing of Stations

No. 35 and 36. This bill precedes another bill that would probably come to Council at a later time possibly which is the consolidation of Stations 21 and 22 and simply for the public's understanding of this issue of conditional use at this location, it's really about the closing of two fire stations and building a new one in the Shadeland Avenue area and also the Brighton Heights area. The other proposal is the Allentown and the Arlington closings and to build a third station. It's important to say that from my perspective because all the discussions that have taken place so far have really been in that regard and not in regard to the conditional use.

As I indicated, if it were simply the issues in front of me and the conditional use, I think the issue would be rather easy. This city does not have the finances to build third stations in both locations including this location and that is the reality of the world we live in, so the Administration is attempting to reduce city taxpayer expenses through the consolidation of two locations. There is a genuine concern from the neighborhoods, the Shadeland Avenue area and the Brighton Heights area that those stations not be closed because they don't want to lose a fire station in their neighborhood. The union has been behind keeping stations open for manning reasons and other reasons so I think it's important to throw the issues right on the table here and I for one have to do that because I think all sides are coming with some genuine concerns and that's very important that that be stated here but the issue really is not in my opinion the conditional use in the Woods Run location, and I want to state that openly and frankly for a reason.

I went through the extensive fire reorganization study of which Glenn Cannon sat on that, Chief Dickinson sat on it, Joe King sat on it and others sat on it and there were a number of recommendations made in that study, some were implemented some were not implemented. There was a second suggestion of reorganization put forth by the Administration and as a result of that study and many, many neighborhood concerns based on the recommendations of the original study. The original study was actually a very good study that needed to be implemented not in total but partially and I say all that for a reason, Mr. Chairman, and I'm glad that everyone bears with me here. I would like to see the Administration, the fire fighting union and the neighborhoods concerned here get their heads together and come back with a reasonable proposal that is not simply a conditional use application. I have been a strong proponent of keeping fire squads that were eliminated in the city a year and one-half ago. The study indicated at the time and we had at the time five fire squads throughout the city. For the public's information the fire squads were the units that operated in squad trucks that immediately responded to fires. Their greatest asset was their ability to respond quickly. They were versatile in nature, they could support an engine truck, they could support a ladder truck.

I would like to see some proposal put forth and something worked out with the union and the Administration where in these neighborhoods of which some of them are centrally located to the Northside and the south and the west, we could work out an agreement where a fire squad would replace an engine company and I believe that's in the best interest of fire safety in the city. The original survey which is two inches thick and I have a copy here strongly supports that, it was completed by fire experts in consultation with appropriate people in the city. That in my opinion is the way to proceed. The only way that can happen is with the fire union and the Administration to sit down and honestly negotiate and come back with a genuine proposal. I say that because I feel that's really the heart of this issue and the heart of the issue is not the conditional use application.

I'm sorry if I got off the track but there were many times in this Council in legislative meetings that I chaired that we have talked about these firehouse closings and that has not been brought up in this discussion and I think it's very, very important for the public to understand that that really is the heart of this issue. Thank you.

I also want to state clearly on the record that there's no neighborhood in this city that does not want a fire station. Every neighborhood does not and Woods Run does not and if the City had the dollars to build a station in Woods Run I would even do it at the resistance of the neighborhood but that's really not the issue in front of us and if we choose to push the issue aside, the real issue, it will never be resolved and the real issue we know is the closure of 35 and 36. Now is there a commitment to sit down and try and revolve that between this body, the Administration, the firefighters union and the neighborhoods? I don't think so. And as long as that exists we are sending a false message to the public about what the real issue is and we know what the real issue is and it's as simple as that.

Mr. Ferlo:

In response again, I don't in any way mean to disagree or criticize Mr. Wagner's comments, I'm not addressing that. I'm only stating that I have been involved in a pitch warfare against this Administration as it relates to the Fire Bureau for the last two years and even to the extent of urging the litigation against the Administration on these issues and I don't know what the Administration's intent is but I feel that they are adversary to at least what I perceive are the best interests of the residents. They are adversary in that respect as it relates to the Fire Bureau. I don't know if this Administration following Council's vote on this either yeah or nay intends to litigate further in the Court of Common Pleas and if they do the judge is not going to be interested in what our

views are about the meeting of the firefighters with the Administration. I mean, the voters have decided that another administration will take office and good, bad or indifferent that next administration will deal with some of the broader issues that Mr. Wagner states. I just want to make it clear that legally I am voting within the constraints of the municipal code pursuant to the planning act that relates to detrimental impact on the conditional use. I do not feel that the elements have been met regarding location of the station and solely on the issue that's on the table legally that is why I'm voting no on a conditional use.

Mr. Onorato:

I wasn't going to say anything but I have to hop back in. In response to Councilman Wagner mentioned that before he spoke that we weren't addressing the real issue. I tried to start this conversation off today sticking on the bill and what's in front of us but now that the can of worms has been opened I have to jump in and obviously I represent this area and I want to make it very clear that I stated all of the reasons on the conditional use why I'm against it and I did that for a reason because that's what's in front of us. I'm against the granting of this conditional use but as a broader issue it isn't building a fire station in Woods Run, that's not it. The issue is that we have two pumpers and they want to put one in the 27th Ward and take one out of service, that's the issue and I want to make it clear that I don't think that's right and we can disagree on this that it's getting very close and it could be a chance that we don't have the proper coverage that we should have. I know Mr. Turner would totally disagree with me on that but I will also make it clear that this was not the only consolidation that was recommended by several reports, this was not the only area that was top priority that had to be done, this was what came out of all these different recommendations and this was the City's plan.

We had a street fire that took place a few months ago and I realize that it was a different situation where both pumpers were out of service and we couldn't get there on time. If we go to one pumper and they have to take up the first responders then every time they are on a responder and that could be within the five percent rules that that pumper might be out of service. I want the residents in my district to know that I am fighting on two fronts here, one is the conditional use and two is because we're going from two pumpers in the 27th down to one and that's after twelve months ago where we took 17 pieces of equipment out of service, I want to make that clear too. It isn't that we don't consolidate and decrease 17 pieces of equipment went out of service, several of those pieces were on the Northside and the other ones were scattered throughout the city so this gets to the point where when is enough enough, some will say we can go a lot more. I know there are stations recommended in other

Council districts to be consolidated in the future. There's one currently up in Councilman Ricciardi's with mine but the question is where do we pick and choose how to do them?

Throughout this whole reorganization from when Ernst & Young did the report until now there have been fire stations that have been saved, fire stations that have been scrapped and other ones that have been put on the block and other ones that haven't and it will continue to change like that. At this point I think that it's dangerous to eliminate the two pumpers and only keep one in that area.

Mr. Wagner:

Mr. Chairman, I know you want to move on and I appreciate Mr. Onorato getting to the point here. Again, what I'm asking this body to do, this Administration, the fire union, the neighborhoods is to get back to the issue of safety in this city and not that that's not on everyone's mind but I will share with you this book and there are solid recommendations in here that fire squads should be in existence in the city for versatility, safety, life safety reasons and until that issue is put back in the forefront of this discussion, we are all missing the issue and that has to be the heart of the issue and not what neighborhood has a station and which neighborhood does not have a station and I'll state it again. If this city had the money, I'd like to see a fire station in all 88 neighborhoods. That is not the case, therefore we have to deal with reality.

(END OF COMMENTS)

PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

Mr. Onorato:

Real quick I'll summarize and reiterate again that I think the conditional use should not have been granted out of the Planning Commission. There's a lot of question about the location regarding the traffic patterns, the library, the playground, the ice cream store and the major intersection that every single fire truck would have to go through to service the 27th Ward, and that would be the intersection of Brighton Road and Woods Run. I think that raises enough questions that this should be denied.

In addition, I just want to state that, assuming the votes stay the way they are and this is rejected, we have to deal with the issue of a half-built building. After today, once this is denied, hopefully it is denied, that I would like to sit down with the residents and the Administration and work on the plan of what to do.

One possible suggestion because of the location, and it doesn't involve fire trucks, is putting some kind of EMS service or some kind of youth center or senior citizen center. They are just some ideas that were brainstormed but we have to deal with the issue of a half-built building because we do have a safety question where all the sidewalks were removed and there's about a two-foot drop off right from the street. That's a concern because of the children that walk down there for school, and since school will be starting up in a few months, we have some time to brainstorm on what we should do with the facility.

Mr. Ricciardi:

I support Councilman Onorato. Obviously I have some concern about the fire reorganization; however my vote is strictly on the conditional use, the land use of that area. I believe that type of use will be detrimental to the

neighborhood and we have to keep in mind that the applicant in this case is the City of Pittsburgh but should be treated as any other applicant. If they were attempting to move into a use in that area, for example, a printing company with that type of usage on that type of lot with that type of parking problems in that type of congested area, I believe we would vote no.

The City of Pittsburgh should be treated as any other applicant. So, my vote solely rests on the conditional use aspect of this bill.

Mr. Ferlo:

Obviously I'm voting no on the bill. My comments are well-known about the Fire Bureau reorganization. But the bill before us today, however, is a planning and land use issue and I'm voting no because I do not believe that it meets the means test in the Zoning Code regarding detrimental impact as it relates to traffic congestion and the logistics of the construction of the building in that business district in Woods Run.

Many of our fire stations historically were built prior to even having a City zoning code in place. We inherited stations that probably today would not meet the Zoning Code requirements have set back in traffic congestion and other kinds of issues that are addressed now in the Conditional Use process before the Planning Commission and ultimately this City Council.

And in reviewing those issues and those issues solely, I believe strongly that the Conditional Use should be denied.

Mr. O'Connor:

I abstained last week and I'm also going to vote no on this in support of my colleagues, especially Mr. Onorato's district, but with deep

reservations because I feel there's been a total break down of communications between Council and this Administration and possibly the firefighters who have a very vested interest. I think it should have been brought to our attention and worked out to benefit the safety of the people of that area, that district, the safety of the firefighters. We're left holding the bag here with a half empty building.

As we talked about last week, is it going to be used for EMS? Senior centers? Nothing was discussed earlier about possibly bringing fire squads back, bringing ladders back to the North Side. These are true benefits to the people of the North Side and their safety, and I would feel a benefit to the community. But I just hope that on the next issues like this, starting with the Administration they get their eggs lined up, get everything lined up including Council, so that we're not faced with a tremendous tax increase. That's some of the bottom line, the hidden agendas here. If we were going to build a fire station and everybody agreed on it, we should have been all on board on where it was going to be and how it was going to work.

I feel, as I said, very apprehensive, especially with what it's going to lead -- Are we setting up the next Mayor to fail? Is he going to have to make up for all these mistakes that this Administration has made in the last six months? When I say mistakes, I think the communication - - If we can't sit down in a room and work these details out for the benefit of the taxpayers of the City, I think we're in trouble.

Mr. Smith:

I think that the issue here is that the City is not above the law in seeking the necessary permits. There is a process that allows public input. We are not here about fire reorganization; we are here about Conditional Use. This is the law that we have agreed to govern ourselves by

and our decision is based upon the information on the Conditional Use.

I will not be supporting the continuation of this station based on the fact that I do not believe the traffic patterns fit the community. That is the reason why I will not be supporting this bill and I think that it's very important that we begin to hold the City's feet to the fire, that they too must adhere to the process and procedures that we hold every citizen in this City to. Therefore, I will not be supporting this bill.

Mr. Ferlo:

In voting no I'm not conceding any mistake on my part or, in fact, this Council. We didn't tell the Administration to go off half cocked and build some fire stations before they sought and got a legal approval from this Council for a Conditional Use application. That burden falls on their shoulders entirely.

Secondly, on the issue of any notion of vested interest on the part of any firefighters, even at best, and it's off the issue, but the reorganization of the Fire Bureau and whether or not these two stations opened up, did not result in any net loss, not one firefighter job. So I just want to note that I don't think that there's a vested interest in the firefighters in opposing these fire stations on the issue of potential loss of jobs because even if the stations had opened, the Administration themselves admit that there is no loss of any firefighter jobs. I think the firefighters have spoken out in the past on a number of issues regarding Fire Bureau manning and safety and equipment, and I think it's been good for the public and the citizens of this City.

Mr. Cohen:

I'm voting no today as well. I wanted to get as much information as I could from every side, from the fire management, from the

firefighters, from the North Side residents, from the Administration and also Councilman Onorato who has provided me with a great deal of information.

I am voting no today because Councilman Onorato really has convinced me that this would be detrimental to the North Side neighborhoods. And for that reason, I can't support it.

Mr. Darkins:

Mr. President, since we're having a round here, I thought I'd put my two cents in.

I'm going to abstain today from voting. There's an uncertainty in my mind that has not fully been explained to me, so I will abstain.

Mr. O'Connor:

I just want to follow up, if I was misunderstood. I think the major point is the lack of leadership here on parts of the Administration and not bringing this Council and the firefighters together to find the right spot. That's my point.

Also, I commend Mr. Onorato's leadership there in pointing those things out and doing the best for the neighborhood he represents. I hope all of us are not -- I don't think we're parochial in that stance that we are looking out for the vested interest of the people of the City, but we failed to communicate somewhere along the line and I hope with the next Mayor and the next Administration we can communicate much better so that when we have to make decisions like this it is beneficial first to the residents of this City and the people who serve it.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

VOTING NO:

Mr. Cohen	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
Mr. Onorato	(Pres't)

AYES none NOES 7

(MR. DARKINS ABSTAINING)

And a majority of the votes of Council not being in the affirmative, the bill was defeated.

Also, with an affirmative recommendation,

Bill No. 2860

A Resolution entitled, "Resolution approving execution of Contracts for Disposition of Land by and between the URA and the following properties in the Twenty-First WD. of the City of Pittsburgh.

Which was read.

Also,

Bill No. 2861

A Resolution entitled, "Resolution authorizing the URA to acquire all the City's right, title and interest, if any, in and to the publicly-owned property located at 206 N. Evaline St. and 5162 Broad St., the 10th WD.

Which was read.

Also,

Bill No. 2862

A Resolution entitled, "Resolution approving execution of a Disposition Contract by and between URA and Bloomfield-Garfield Corporation for the sale of Block 50-L Lots 184 and 187 in the 10th WD.

Which was read.

Also,

Bill No. 2863

A Resolution entitled, "Resolution authorizing the URA to acquire that property in the 20th Ward of the City of Pittsburgh owned by the Estate of Helena M. McKenry located at 423 Sloan Street.

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8

NOES none

And a majority of the votes of Council

being in the affirmative, the bills passed finally.

Also,

Bill No. 2864

A Resolution entitled, "Resolution approving the sale of Block 42-D Lot 157 in the 20th Ward of the City of Pittsburgh by and between URA and James and Margaret Karis for \$300.00, located at 423 Sloan Street.

Which was read.

Mr. Smith:

On Bill 2864 which is the transfer from the Industrial Land Fund to an individual private owner, I have in my possession, and I'm not very good at counting off the number of feet, but the thing that actually bothers me is that someone has already taken possession of this land, fenced it off with a 12 foot fence that doesn't have the necessary permit to have been built. This is the property that we are transferring basically for free.

I do not oppose any commercial expansion. I'm passing them presently down the line. It's just the fact that it bothers me that someone has made decisions, moved forward, and then they come to us to make it legal. I feel that is not the process nor the procedure that should occur. No one should take public land before we have legally deeded it and titled it to them. I just wanted to bring this up because it does bother me.

This individual also has several other things that I don't want to mention here, but we have not done our homework. I just said a few moments ago that the City must adhere and abide by the laws that it has created, and here is yet another instance where we have permitted something to usurp the process and the

procedure. I think that we need to begin to pay close attention to these deals.

I agree with one of my colleagues that many of these directed sales are unfortunately not always to the best interest to the City where we could at least recoup our costs, even though the price would still be extremely low.

So, I just wanted to bring this to the attention of my colleagues on Bill 2864 in the 20th Ward, that this parcel has already been fenced off by someone, and it's not the City.

Mr. Cohen:

Mr. President, is Mr. Smith asking that that bill be recommitted?

Mr. Smith:

The Chairman of the Committee does not desire that. I will follow his wishes to send this through, but I think that what we must do in the future is make sure that we are not okaying something that was done without our knowledge or our permission for future legislation.

Mr. Cohen:

Thank you. I just wanted to know what your desire was on that bill.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen
Mr. Darkins
Mr. Ferlo

Mr. O'Connor
Mr. Onorato
Mr. Wagner
(Pres't)

AYES 6

NOES 2

(MR. RICCIARDI AND MR. SMITH VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2865

A Resolution entitled, "Resolution authorizing the URA to acquire properties in the 6th, 12th, 15th and 20th Wards of the City of Pittsburgh located at 3042 Phelan Way, 169 Meadow St., 4529 Gladstone St., 206 W. Elizabeth St., 610 S. Main St.

Which was read.

Also,

Bill No. 2866

A Resolution entitled, "Resolution approving execution of Contract for Disposition by sale of Land by and between URA of Pittsburgh for the following properties, located at 3042 Phelan Way, 169 Meadow St., 4529 Gladstone St. 206 W. Elizabeth St. 610 S. Main St., in the 6th, 12th, 15th and 20th Wds.

Which was read.

Also,

Bill No. 2893

A Resolution entitled, "Resolution approving a conditional use under Section 993.01(a)(7) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993, as amended, to construct a one-story Emergency Medical Service Facility at 4740 Mossfield Boulevard, 10th WD.

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. O'Connor presented

Bill No. 2925

Report of the Committee on Parks and Recreation for July 14, 1993 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2890

A Resolution entitled, "Resolution amending Resolution No. 830, approved July 9, 1993, entitled, Providing for an Agreement or Agreements with Peabody High School, for the Peabody High School Band Parents, for the furnishing of professional services for the benefits of the residents of the City of Pittsburgh, total cost of the agreement shall not exceed \$1,000.00, chargeable to and payable from Code Account 1838 (183806) Miscellaneous Services.

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Onorato presented

Bill No. 2926

Report of the Committee on Public Safety for July 14, 1993 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2869

A Resolution entitled, "Resolution providing for a contract or contracts from time to time in connection with the demolition and removal of condemned buildings and providing for the payment of the costs thereof. (\$10,000.00 payable from Community Development 4-27-10-0005-93-013-93-27, Index Code 611251)

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

MOTIONS AND RESOLUTIONS

Mr. Onorato:

Mr. President, I have three fairly quick points.

I have a letter that I'm delivering to the Mayor today and I just wanted to share it with my colleagues. If you would indulge me while I read this, it's really one page.

It's regarding the issues of the Public Works facilities that are in our parks. I know Schenley has one but Riverview Park has a Public Works facility right at one of the entrances. Due to the nature of the facility and the expansion that has taken place, it appears that it's in the wrong location now and I would like to get something started. The letter is dated July 16, 1993 and reads:

"Dear Mayor Masloff,

This letter is in regard to the Public Works facility located on Grand Avenue in Riverview Park. Over the years, the Public Works facility has gradually expanded into the park. What started as a single building service center has expanded to a salt dome, multiple dumpster site, clean-fill dump, a construction debris dump, and most recently a regional composting site. While I recognize the legitimate need for a Public Works site, a regional park is not the proper place.

As you may know, in addition to the facility expansion, a park road collapsed several years ago. With the collapse of this road, there is only one entrance to the Public Works facility. Unfortunately, the only road leading to the site is Grand Avenue which is a narrow residential street with several sharp bends. Since the collapse of the road, the residents of Grand Avenue have had to live with an unusually high volume of heavy duty equipment and dump

trucks. To make matters worse, the new signage directing residents to dump their grass and hedge clippings at the end of Grand Avenue has also invited illegal dumping.

At this point in time, I am requesting that we put an immediate halt to the composting site in Riverview Park and remove the directional composting signs. As for a long term plan, I am asking that Public Works be relocated to a new North Side site. While I recognize that a facility of this size cannot be relocated in a matter of months, the City should find an appropriate location and develop a relocation plan over the next one or two years.

The residents of the Woods Run area and I look forward to participating in discussions and helping the City relocate the facility. We look forward to hearing from you so that we can continue to improve Riverview Park and return Grand Avenue to a residential street."

I have a package of photographs that I will send around during the day. Here they are here; I'll start down this end.

What is happening is that the dumping that is taking place and the expansion of the site of the clean-fill, we're actually into the park at this point. We are trying to prepare for the Centennial of Riverview Park which will be next year and we have currently 250 volunteers coming into the park on September 1st, the Day of Caring, to do a lot of rehab in the park.

So, I think what the City should at least do is consider relocating and giving back land to the park because, as everyone knows, this land has been deeded over for park services and I really believe that we're staring to infringe and we're close to the line, if not already over the line into park property.

Just off the top of my head, I know there's

other sites on the North Side and I can tell you that the Public Works facility was not always located here. Maybe 10 or 15 years ago it was moved. As everyone knows, Alcosan, Western Penitentiary, and there's an industrial zone on the North Side along the river which I would think would be an appropriate place for a Public Works facility due to the nature of the facilities that are currently there.

So, I would ask my colleagues for their support. I'm not bringing this up as an antagonistic approach to the Mayor; I'm asking to cooperate with the Administration so that over the next year or so we can relocate the facility.

Mr. Darkins:

Councilman Onorato, I just would like to bring to your attention, probably you haven't seen some of the other divisions within the Department of Public Works. I was out to Schenley Park this morning; maybe you should view that site. Maybe you should also view the one in Highland Park. In one of our divisions of the Department of Public Works you will find, and I can understand about the dumping site and so forth, but if you look at those two other sites and the Riverview Park which I'm very much familiar with and I have been there several times and I'm going to make another visit again as the Chairman of the Department of Public Works. That Riverview Park division is a great division and they do a tremendous job there. But I really want you to look at those other two sites. Look at Schenley Park where the 4th Division is, and also look at Highland Park where part of the 3rd Division's work is done. Please.

Mr. Onorato:

I haven't been to Highland but I have been to Schenley. As far as I'm concerned, there is no comparison at this point just because of the one entrance in and out of the Public Works

facility to this park due to the collapse of that road.

This is no reflection on the workers. I want to make that clear. I think Division 1, as far as I'm concerned, is the best division for Public Works. They did a great job during the snow storm. They respond immediately when I call about a particular problem. If anything, if there's any drawback, they could use a few more men, which I'm sure all our divisions could. Hopefully one day we can add more employees.

This is strictly just a location problem that a residential street should not bear the burden of the trash and the trucks and the heavy equipment. I think, though, that we have to seriously consider the composting signs that we put up because I didn't anticipate this but it is bringing illegal dumpers into the park. I think what we did was actually put directional signs up for outside contractors who, at night, sneak in and dump it. We know that's illegal but, if we can't enforce it, maybe we better remove the signage and think the plan over again.

These are just some ideas that I brought up and hopefully we will address them over the next 12 to 24 months.

I have two more issues.

Last Wednesday, with the permission of the Chairman of Finance, he let me speak about the Municipal Retiree Life Insurance with a different bill. This bill is not in front of us and we will not have to vote this.

I'm still getting calls and there seems to be a dispute over this increase in the rates for the life insurance. There is a code section that Councilman Ferlo brought up that actually speaks to the point that certain employees are locked in at a rate at the date they retire.

The question that keeps on coming up is, what employees are they? Director Hayllar mentioned that 150 of a 1,500 list actually qualify for this rate stabilization. However, there seems to be a dispute from other groups.

So, I would like to either have a post agenda or just a meeting with Director Hayllar and bring this up again because I'm having a lot of calls. Even as of today, two more came in about this life insurance rate.

Mr. Ferlo:

The real issue here, and I asked for the information from the Administration, none of us on Council, I believe, has the benefit of having a copy of the collective bargaining agreement or the joint collective bargaining agreement. The City Code ordinance says that the rate will be fixed at the point of retirement unless otherwise negotiated as part of a collective bargaining agreement.

The Code is very clear and very explicit. The issue is, is the increase that has been instituted for any number of employees legal pursuant to the Code, or have they, through the collective bargaining negotiation process, made a change regarding this insurance fee. We don't know that.

I don't even really want to attend another meeting. I want the City Finance Department and/or the Law Department to send us copies or justification from the collective bargaining agreement clauses as to what has enabled the Administration to do this.

Mr. Onorato:

My request will be that Director Hayllar provide us with that information and inform every Councilmember when its available and make time available for us to ask questions

regarding the information he sends up with Director Hayllar.

Mr. Ferlo:

It's very clear. If they didn't negotiate this through collective bargaining, this increase is illegal and it would have to be rescinded and money refunded.

Mr. Onorato:

Right. I agree.

The Chair:

That information is in the form of a motion?

Mr. Onorato:

Yes.

Mr. Ferlo seconded the motion.

WHICH MOTION PREVAILED.

Mr. Onorato:

One final issue. Yesterday a lot of you might have heard the conversations on the talk radio shows and it's in the paper today. Here's a headline, "Gloom From City Controller". I think this Council should take it seriously.

There seems to be a dispute over how bad the financial picture is of the City. We have the Controller saying one thing and the Director of Finance saying another. I think as elected officials and representatives, we have to seriously look and see how bad the problem is.

This one I am requesting a post agenda for both the Controller and the Director of Finance to come up here with all the information

they have and to show us and defend their positions because I, as one, would like to know if this City is running into a deficit next year and that if by July of next year, or six months into the year, if we're going to be facing a \$15 million deficit we better know now so that we have a real budget.

I'm not sure who is telling the truth or if they're both telling a little bit of the truth. But the point is, I'd like to have the situation clarified. I respect both gentlemen, so it sort of bothers me to see that they're on opposite ends and there's a big difference between them. So, I'm requesting a post agenda with both of them.

Mr. Ricciardi seconded the motion.

The Chair:

If I could just add a comment here. I would first request that we request information to be analyzed and provided to all of us from our budget staff based on what the Controller's recent report that we received yesterday and what the Finance Department is saying.

Mr. Onorato:

Good suggestion. And I would also like as a follow up that our budget staff is the third party invited to that post agenda.

Mr. Ricciardi:

Just for the record, Mr. Wagner, I would like to say that I'm not going to enter into the personality arguments between our Controller and the Director of Finance, but I want to make it clear to the public that I took part in all the budgets in 1991, 1992 and 1993 and I think we have to start with a given, and that given is that we did not raise tax rates here in the City of Pittsburgh. It's very important to recognize that. Obviously assessments went up and that was

extra revenue coming into the City. But assessments are not set by the City of Pittsburgh.

I'm very proud that I took part in budgets. Even if they dealt with trust funds or some very innovative procedures, we did not raise tax rates here in the City of Pittsburgh and I think that's a very important given to recognize.

Mr. Onorato:

I'll set the post agenda and inform all my colleagues.

The Chair:

Okay. No need for a motion.

Mr. Ricciardi:

On another issue. Colleagues, I have before me a general fund revenues and expenditure ten year financial history that was forwarded to me by our budget officers, Mr. David Keller and John Mascio.

I'd just like to point out a few particulars of this study. First of all, I think we've made some real successes at the Pittsburgh Zoo. For example, from 1990 to 1992, we've increased gate receipts by \$500,000. 1.4 to 1.9. In our direct expenditures, we decreased nearly \$300,000 from 2.6 to 2.3. Direct expenditures, obviously being salaries, taxes and utilities. We've also decreased our indirect expenditures by nearly \$300,000, from \$1 million to \$785,000. Indirects really being pensions, telephones, vehicles and utilities.

The total expenditures from 1990 to 1992 was a net decrease of \$500,000, and the difference that we had to make up with our budget for our Pittsburgh Zoo decreased \$1 million from 1990 to 1992. 2.1 to 1.1.

It's also important to recognize that we've made improvements at the Zoo from 1977 to 1992 of \$21,525,702.

We've made some real, true improvements at the Pittsburgh Zoo, and I think we've made some real successes in our gate receipts and by decreasing many of our costs.

I think the Pittsburgh Zoo is altogether different from Phipps or the Aviary when it comes to looking at the numbers.

I'm very concerned, and I've had discussions with the Chair of the Department of Parks and Recreation, Mr. Bob O'Connor, and I've had an opportunity to visit the Zoo, the last few weeks several times. I'm very concerned that the staff at the Pittsburgh Zoo are being told by the Director there that we are going to privatize the Zoo in January of 1994. This information has come to me from many different sources and the Director of the Zoo has not responded to my telephone calls on this issue.

I would like to make a motion that we ask the Administration what are their plans for the Pittsburgh Zoo and are they under any negotiations with any type of society or any individuals concerning a public/private partnership or privatization of the Zoo.

In the past, they've come before us and said, "You have one week to talk about the South Side Ice Skating Rink", "You have two weeks to talk about the Schenley Park Golf Course", "You have one week to talk about Phipps Conservatory". That's not going to happen with the Pittsburgh Zoo.

I would ask for a second on my motion so we can begin dialogue with the Administration to see if it is true that they're making any type of headway or maneuvers to privatize the Pittsburgh Zoo in January of 1994.

Mr. Ferlo seconded the motion.

The Chair:

Whatever must happen, it must pass this Council, if there's any changes in the present procedure of the Zoo.

Mr. Ricciardi:

That's true, Mr. Wagner, but my concern is that we be a part of the process if we're going to buy into a public/private partnership and not one that comes before us in December and saying that we have one week to review this.

The Chair:

Certainly the Chairman of Parks and Recreation should be part of it.

Mr. Ferlo:

I love this new enlightened attitude of my colleagues who all of a sudden want to have all this input and want advance notice relative to the Zoo, which they didn't seem to have any interest relative to other issues that have come before us. As far as I'm concerned, the only thing that I think should go private in January at the Zoo is the Director.

The Chair:

There is a distinct motion on the floor and I hope we would not get into a discussion about Directors and whatever. I think the Director at the Zoo has done an exceptional job.

Mr. O'Connor:

I've been talking with Councilman Ricciardi and, first of all, I've been involved with two.

The golf course, Mr. Ferlo, I think we discussed for over six months before we came to any decision. I will grant you, though, that Phipps came upon us very quickly and looked like a very sound financial move for the City. In both cases, at least the golf course seems to be working. The Aviary, from what I understand, is working. The City did a very, very poor job in managing both of those facilities and I think we all can agree to that.

The Zoo, on the other hand, I think is a much different animal. No pun intended. I'm not "lion" about it either. But I've been there several times since I have a young child, eight years old. You don't go to the Zoo for a while unless you have children or nephews to visit. I brought some people from out of town and they have seen other cities, study zoos, and this is one of the top zoos in the Country.

If anything, it has been very poorly or underfunded and marketed. It hasn't been marketed at all. So, before I would even enter into discussions about thinking about it, I would like to see a positive plan. And you're only talking now about a \$500,000 gap which Mr. Ricciardi mentioned two years ago may have been close to \$2 million.

So, I would strongly suggest that we send a letter to the Administration asking them why they are even pursuing this. If it's cost efficient, then let's see why and how much so we at least start with a number and why they are focusing on that. And if it's only a half million dollars, with any marketing money, I think that number could come way down.

As Chairman, I certainly have not been in any discussions about this. I've had a lot of phone calls from employees out there. I don't think it's fair. We should take a lesson on what just happened on the North Side with poor

communications, and I doubt if anybody will support a privatization of the Zoo with only a month or two to go with this Administration.

So, again, I support Mr. Ricciardi's idea. Send it to them. If there are any ideas, we ought to know how, why and when they plan on doing it and either we get on board or off. I'm not suggesting that we would be on board because on the surface I would not be on board of privatizing it. But no sense wasting all our time. They come to us with two weeks and either sign it or you cost the taxpayers \$2 million or whatever the situation may be.

Mr. Ferlo:

I think we need to send a stronger message to this Administration. This Administration is lame duck. They're going to be leaving in a few months, and I feel like they're rushed to judgment on not only the two previous issues, or three, the Aviary as well as the Golf Course and Phipps, but certainly now the Zoo. It's quite clear that there are negotiations going on. It's quite clear that they will present us a fait accompli at the last minute, later on this fall, and we will be asked to rush to judgment and privatize the Zoo.

This Administration basically is out the door December 31st, and on their way out the door they're conducting a going out of business sale. And I think that's true for the Pittsburgh Zoo.

I think we need to send a stronger message that this Council is not interested in any way in discussing this issue this year with this Administration. Period.

Mr. Ricciardi:

Mr. Wagner, obviously because of our recess, I would like to ask that the response come

before we recess. So hopefully it should be coming next week. And it should be very easy to answer, by the way. It could be a yes or no.

Mr. Onorato:

I support my colleague's request to the Administration. I think Councilman O'Connor and Councilman Ricciardi have good points, and they have a lot of questions they want answered before we privatize anything else.

I disagree with Mr. Ferlo in that I don't want to send a message that all nine of us are against privatization because I, for one, I think there's a lot of items in this City that are still up for discussion. And I'll state it again, the last thing I want to do is vote for a tax increase. I think everything should be put on the table and if a legitimate plan, and I'll stress the word legitimate, plan comes forward for a privatization, the Zoo is not off limits, as the other facilities weren't, and we have to continue to look around the City. I'll tell you, we can't wait for Harrisburg. Regional funding won't be here next year and it probably won't be here the year after that. We'll be lucky if we have it in five years.

One thing about privatization which everyone forgets is that is an indirect way of regional funding because every time we spin these groups off, then they have a legitimate chance of getting foundation money which is coming from corporations and coming from this entire region. And if that's the way we have to get regional funding, I'm ready to do it as soon as we can, as long as we preserve these facilities when we spin them off. If the plan is not legitimate, and that's why we're asking for the information, then we won't vote for it. But to say right now that I'm totally against privatizing the Zoo, I can't say that. There might be a very good plan. And until we have that info I don't think any one of us should vote at this point.

Mr. Cohen:

I certainly support Mr. Ricciardi's motion to have a discussion on this. And as long as we're talking about regional facilities like the Zoo and Phipps and the Aviary, I think we have to put this in a realistic perspective of what the budget is right now.

I certainly support Mr. Onorato's motion to have us come together and talk about the budget. But, the fact of the matter is, that we have a no growth budget right now. As Mr. Ricciardi said, we have not raised taxes and we're going to continue to not raise taxes, but it's getting harder and harder. The reason is, the real estate tax, for example, which makes up approximately 35 percent of the City's budget has grown less than one percent in the last three years. That is because of the recession that we're still desperately trying to get out of. But, at the same time that we have a no growth budget, we have approximately a 7 percent increase in our cost. Even if we do nothing, add no programs, nothing, we still have approximately a 7 percent increase in cost because of our health care increase cost, utility increase cost and collective bargaining. Therefore, something has to give.

I'm glad that we're going to have this discussion on the Zoo and other facilities, but the answer that Mr. Onorato referred to is a regional assets district. In the long run it's our only chance to really survive without raising taxes here. I know everybody on Council supports it, but we need a new momentum for that regional assets district to include the Carnegie, the Stadium even, our Civic Arena, are regional parks, etc. in a regional assets district that's funded by the entire region. Until that happens, we're going to continue scrambling.

I commend all my colleagues for working so hard to scramble to make sure we don't raise taxes, but I'd like at the same time to not lose sight

of the flip side which is working with all of the regional entities to try to make that happen in Harrisburg. That's really where the responsibility lies right now.

The Chair:

I think the request is an excellent idea. The Zoo has come a long way because of a partnership and we should take a look at where they have come from and where they want to go. This Council should be part of the discussion. It's obvious, though, that the other public/private partnerships that we've been involved in, the Aviary, the Golf Course, Phipps, have been in the best interest of the City of Pittsburgh. I believe there's been significant improvements in all three already and certainly the Zoo should be considered if it is a candidate. And I think as much information as we can acquire is in all of our best interests.

Mr. O'Connor:

The opportunity is there. Everybody is talking that we don't want to raise taxes, but every time something looks like it might make money, everybody says we're not allowed to make money. I think that attitude has to change. We have to hold the line. If our costs are going up 7 percent and our revenue is going up 1 percent, that's not going to work. So, we better look for a partnership in the next 3 or 4 months before this next budget comes out and where we are going to cut our health costs, be able to save money, be more innovative. God forbid, if the Zoo was maybe marketed better, it might be able to make money.

Don't be scared of making money, fellows. We are not in the charity business. We shouldn't be in it any longer because somebody has to pay for all these revenues and I wouldn't be afraid to look at some of these facilities if they could make money. This Zoo may be able to

make money, maybe it can't. But these are the thing I would like to explore before I give it away.

The Chair:

All in favor of the motion? Opposed?

WHICH MOTION PREVAILED.

Mr. Smith:

First of all, I'd like to publicly thank my fellow Councilpersons for taking a tour with me this Friday to look at a wall, the Andover Street wall.

Tuesday a week ago I mentioned that there was debris from this construction site on the main entry into Schenley Heights, that it is filled with the lunch bags of fast food from the construction workers. This would not occur in probably 60 percent of the City. These were taken at 8:30 this morning. They have made not one attempt to clean up the mess. We have had these two trailers sitting on a main thoroughfare since last October, but the construction did not begin until this March. There is broken glass. You can see the weeds have grown up under the trailers, they have been there so long.

I need to know, what do I do to get someone that I am authorizing the taxpayers' dollars to go to for a job to treat their community with the same respect I'm sure that they treat their own community. I asked for it to be cleaned up. I waited patiently for a week because I understand scheduling, and yet I have been ignored. I am sitting here helping to spend District 6 persons' tax dollars and the company to which I am giving it to is totally disrespecting those citizens in District 6.

What I need to know is -- I'm ready to have BBI cite them because, as far as I know, they have no permit to park those trailers on the streets.

This garbage is obscene to do to anybody's residential community and it is still there after one week ago I requested that it be cleaned up.

The other thing is, is there a mechanism in which when a contract we are paying does not adhere to the City Code which requires no dumping, and they are dumping their garbage along a hillside, that we cite them or hold up payment until the situation is rectified. I think it's shocking and appalling.

Public Works pulled a major boo-boo in not talking to this community before construction began, and now we have a contractor who is not responding to a simple request. Clean up your garbage. It is the City Code. City ordinances demand that you not dump. And besides, it's private property.

The Chair:

Who is the contractor?

Mr. Smith:

I do not wish to say their name presently.

Mr. Onorato:

If I could make a suggestion to Councilman Smith, because I've experienced this in my district. I think this Council should start, and I would recommend doing this, when a situation like this happens that we send a letter from this body to General Services, to BBI, and request that the name of this contractor, if they don't want to cooperate, be removed as a non-responsible low bidder, and they don't get another dime out of the City. And maybe we make it a three year list where if you're found guilty of this, we don't want you to bid and we're not going to give you any more dollars if you're going to act like that in the City. That would be legal under the State law because it has to be a

responsible bidder. From the pictures you just showed, there's no way that's a responsible contract and therefore I don't think he should receive any contract.

We just came up with the Shadyside Garage. Councilman Cohen is having a real tough time with the contractor there. They want City business, but if that's the way they're going to act we can blackball them and take them off the list altogether if they're not going to be responsible.

The Chair:

How about if we send a letter from this Council today and have it hand delivered that this site be cleaned up immediately by this contractor? This is outrageous.

Mr. Smith:

There is another site that I was not able to get back to because they have the streets blocked off, but it is even worse.

Mr. Ricciardi:

I would just like to state, Mr. Wagner, obviously we have a City employee there that should be on site and when we did visit the site on Friday he was there. He's an inspector that works for the Department of Engineering and Construction.

With the indulgence of Christopher Smith, as Chair of that Committee, I would like to contact Director Sciulli and have our inspector write a report and ask why this is not being taken care of. I know throughout my district, for example, I usually contact the inspector to make these type of complaints.

I do know that the inspectors were changed. For example, when I was out there

Friday, the inspector on the job told me that was his first day there, that for some reason the other inspector was pulled and he was brought in. I'm not sure if it directly relates to some of the problems the taxpayers and residents have been experiencing on that street, but if so maybe that was the first positive change which was made by the Department of Engineering and Construction.

I support your suggestion of the letter, Mr. Wagner, but I would also like to intervene and talk to Director Sciulli on this matter.

Mr. Smith:

Mr. Wagner, I would like to second your motion that we send a letter. I think that this is something that is probably systematic and we've all probably experienced in our districts, other than several districts I know this would not have occurred in.

Mr. O'Connor:

I talked to the inspector because I was unable to attend. I met him and talked to him over the weekend. He's new, but I hope he can straighten the situation out. But has it been going on regularly there?

Mr. Smith:

The thing that's really amazing is that they parked these trailers in October of 1992 on the street. I have bent over backwards in protecting them and defending them in my community because they were going to do some very seriously needed infrastructure repair. And I told everyone to bear with me. They're coming. They're going to start as soon as the weather breaks. They have saved a small fortune by not having to park these trailers somewhere. They're on a public street. They've now used the area as their garbage dump. They've cut down trees.

They've put the debris on the side of the road. This is the main thoroughfare to a community called Schenley Heights.

I asked a week ago, Bob. Someone should have cleaned it up from a week ago.

My personal opinion, which is not worth much, but my opinion is that they moved people around so I couldn't ask the right questions. Everybody can play, "Oh, I don't know; I've been here for a week."

I don't think we should have to play games. We are City employees that are working for the City residents and we should all be on the same page and the same line. Our job is to offer the best to the residents.

Mr. O'Connor:

I agree. And Mr. Onorato has a good point. If they don't cooperate -- That's a very nice neighborhood you represent there. It is a gateway to that area and should be spotless.

The Chair:

So, there's a motion to notify the contractor and the appropriate City Departments to take appropriate action.

Mr. Cohen seconded the motion.

WHICH MOTION PREVAILED.

Mr. Darkins:

I would like to take this opportunity in time to invite my colleagues from Council along with other people, my constituents, today at 4:00 will be under the auspices of our Chairman of the Department of Parks Recreation, Bob O'Connor, will be a ribbon cutting for the Larimer Avenue Courts.

For the past four years we have been trying to get this particular project off the ground and started and now today at 4:00 will be the big time.

I invite you to come and see what's happening at the corner of Larimer and Shetland, the area of the City that they said could not come back. It is going to be back and we're on our way.

The Chair:

Thank you, Councilman Darkins.

Mr. Cohen:

If I may, Mr. President. I'd like to mention that the head of the Vintage Grand Prix came over to me and said, "Ask me what place Councilman Smith came in." I said, "I'd rather not" because I didn't know what place he came in.

There's an old rule for lawyers and that is that you should never ask a question you don't know the answer to. I didn't know the answer to that one but congratulations on entering.

Mr. Smith:

I'm very proud of my 35th place. I took a picture of the official board for next year when I beat all of you when I come in higher.

The Chair:

If I could bring up one issue, please, with all of your indulgence and hopefully your support. All the issues we're talking about today are important but I guess there's nothing as important we've discussed as the problems that the Midwestern cities of this Country are encountering with the worst flood in the history of the Mississippi River negatively impacting at least ten states in the Midwest.

I'm sure a lot of people have been racking their brain how we can help those cities. It's not as if it was a hurricane that came down in a certain area or a tornado or whatever because it's such a wide-spread area.

The City of Pittsburgh has a tremendous resource in our water. One of the major problems that these cities are experiencing is a shutdown of water plants and the lack of potable water. I know a lot of people have been sending donations, etc. to the Red Cross, Salvation Army, for the assistance of these towns. It's hard to even imagine what that would be like here in the City of Pittsburgh.

What I would like to suggest is that we as a Council request from the Administration how we could assist these cities in terms of our water resource, whether or not that could be trucked to the Midwest with volunteers, because certainly if there's any resource that we have that's plentiful, it's our water resource. We produce 60 million gallons of water per day for our residents. We can double that instantly with very little cost to the taxpayers of this City. And it's certainly something that we have the champagne of water in the City of Pittsburgh.

So, what I would just simply like to request from all of you, my colleagues, is that we ask the Water Department to possibly analyze the situation and determine if and how we could transport water, potable water, to sister cities in the Midwest, how we could do that with equipment and personnel, and in a general sense, how we could be of assistance. There's a National League of Cities which obviously we're part of. We pay a membership to that. We're always talking in this country about helping other countries; I think we should be looking at how we can help some of the cities in the Midwest. And certainly I think that's one way in which the City can do that.

Many others are doing it, I'm sure, with volunteering their time by going there, sending donations. But we as a City helped when Hurricane Hugo hit Charleston, South Carolina. I'm not suggesting we can do that but possibly we can do it with our water resource.

Mr. Ferlo:

Is that a motion?

The Chair:

Yes.

Mr. Ferlo:

I'll second the motion but I noticed that Florida, I saw on CNN, is sending water but it's in plastic containers, I believe. Maybe if we contacted the Army Corps of Engineers or some of these federal agencies we could easily supply the water and maybe they could handle the manner in which it would be contained and transported. But I'll second the motion.

The Chair:

We also have water buffaloes, we have water trucks, we have private industry in the area that possibly could provide equipment or a caravan. I'd certainly be willing to go on that trip to the Midwest. But it's such a massive problem, it's very difficult to even know who to call. But possibly through the connection of our Water Department we could make a connection.

If there's any crisis that ever faces a City that is one of the worst crisis we can ever face, it's the shut down of our water operation. And to think that major cities in the Midwest with hundreds of thousands of people are experiencing that not just for days and weeks but are projecting it out for months, in addition to that

the flooding, is really an unbelievable circumstance that they are experiencing. And we, with the resource we have, I think could be of assistance but I'm not sure how.

Mr. O'Connor:

I have some neighbors whose family is with the National Guard. In fact, they're watching their children now; they live out there. So, I believe the National Guard would be the key contact here. But just brainstorming, I know most of our food supply here comes from the Midwest on trucks and goes back empty. Possibly they could go back with the water buffaloes.

I think you bring up a good idea and hopefully maybe a committee here with the National Guard or whoever could brainstorm and come up with quick easy solutions.

The Chair:

Well, in the form of a motion to solicit that we put together a little brainstorming session with the Administration, the Water Department, etc., and hopefully come up with some ideas. This problem is not going away in a couple days or a week. As a matter of fact, the worst of the crisis may be when the water begins to subside.

Mr. Cohen:

Mr. President, I just want to support your motion. I think it's a great motion. When we see

the daily pictures on the news every night about how tragic their circumstance is, apparently their damages are up in the area of \$3 billion right now and it's really ironic that with all of the flooding that they have the one thing they're missing is water.

So, I very much support your motion and I think that we should get a group together fairly quickly and try to see what relief we can provide for them. I know that you were very much involved in the Hurricane Hugo relief; you actually went down there. Who knows? Maybe we could do something like that for this disaster as well.

The Chair:

Yes. Shut down Council for a week and go to the Midwest.

All in favor? Opposed?

WHICH MOTION PREVAILED.

Mr. Cohen moved to excuse Michelle Madoff for absence from the meeting.

Mr. Ferlo seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Cohen**

Council adjourned.

MUNICIPAL RECORD

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No. 30

Municipal Record

ONE-HUNDRED TWENTY-SEVENTH COUNCIL

JACK WAGNER President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON-WASLER..... Asst. City Clerk

Pittsburgh, PA
Tuesday, July 27, 1993

PRESENT:

MR. COHEN	MR. ONORATO
MR. DARKINS	MR. RICCIARDI
MR. FERLO	MR. SMITH
MICHELLE MADOFF	MR. WAGNER
MR. O'CONNOR	(Pres't)

The Meeting was opened by the recitation of the Pledge of Allegiance to the Flag of the United States of America, and a moment of silent prayer for peace throughout the world.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Cohen:

Could the family and friends of Jock Brand please come up?

Members of Council, I'm very honored to present this proclamation. Four years ago there was a tragedy on the Allegheny River. Two fine young men, Jock Brand and Thomas Flaherty, lost their lives in this tragedy. Their family and friends, however, have worked very hard to try to make some good out of that terrible incident. They've established the Jock Brand Memorial Fund to construct water safety signs with ten water safety rules so that people can boat and swim safely on our rivers. These signs are to be put at facilities along the three rivers.

I'd very much like Council to go on record in support of this resolution.

Mr. Cohen presents

No. 2956 WHEREAS, last year alone 17 people lost their lives on the waters of Western Pennsylvania; and

WHEREAS, four years ago, John W. "Jock" Brand, Jr. and Thomas Flaherty, both Pittsburghers, were drowned when their boat was swept over the dam at Lock #2 on the Allegheny River, causing a tragedy which devastated their families and friends; and

WHEREAS, Jock Brand's family and friends have been working to try to prevent other such accidents on our rivers and have therefore established the John W. "Jock" Brand, Jr. Memorial Fund; and

WHEREAS, the mission of the John W. "Jock" Brand, Jr. Memorial Fund is to raise public awareness in Western Pennsylvania about the importance of water safety; and

WHEREAS, on Monday, August 9, 1993, the John W. "Jock" Brand, Jr. Memorial Fund is sponsoring a golf outing to raise money to fund the construction of water safety signs illustrating ten Water Safety Rules that will be placed at docking facilities along the three rivers of Pittsburgh; and

WHEREAS, the Water Safety Rules include such important tips as, "Don't Drink and Drive a Boat", "Wear a Life Preserver at All Times" and "Take the Power Squadron Boating Safety Course".

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh recognizes and supports the mission of the John W. "Jock" Brand, Jr. Memorial Fund and proclaims that education about river safety is vital for the safety of our community; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh encourages property owners on the waterfront to post these Water Safety Signs.

Mr. Cohen moved to adopt the resolution.

Mr. Ferlo seconded the motion.

Which motion prevailed.

Mr. Cohen:

As the resolution says, the Fund is approaching property owners along the rivers and asking them to put up these signs. So, I would also like to take this opportunity to encourage property owners along the rivers to have these signs installed. They're really installed at no cost to the property owner and may save several lives, many lives hopefully.

The golf tournament that is discussed in this resolution is on August 9th.

What I'd like to do is introduce several people who are here today. First of all, Mr. Jock Brand who is Jock's father. He is here today up from Florida. Also, Martin Straut who is the Chairman of the Jock Brand Memorial Fund. Michelle Tachlet who is an officer of the Fund, and Steve Irwin who is a friend of mine, the lawyer for the Fund and the person who got me interested in this project. Also, Jamie Shelby who is Jock's brother-in-law. So thank you all for being here today.

What I'd like to do now is present this resolution to Jock's father, and then have Martin Straut say a few words.

Mr. Straut:

Thank you, Councilman Cohen. I just want to take a brief moment to thank City Council for its support of what we think is a very worthwhile cause.

We also hope that in the years to come, the tournament will raise enough signs that if we can save one life over the next number of years while we have this fund going, that we'll have reached our objective. And we hope that other people besides City Council will support this effort. Thank you very much.

Mr. Darkins:

Would Nate Smith please come forward?

Mr. President and Members of Council, today is a great day here for us because of one of our civil rights leaders and one of our activists in the community for years. We can never give him all of the honors that he is due, but fronting us on this Saturday evening he will celebrate the 25th anniversary.

Mr. President, I just felt it was necessary that we would pause at this time and really let everyone know about Nate Smith.

Mr. Darkins presents

No. 2957 WHEREAS, Nate Smith was born and raised in the Hill District of Pittsburgh; and

WHEREAS, Nate Smith gained national recognition for leading the movement to integrate the skilled building trade unions. His Operation Dig/Pittsburgh Plan assisted thousands; and

WHEREAS, Nate Smith established a voluntary partnership model borrowed by other U.S. cities; and

WHEREAS, Nate Smith prepared himself well through his life's experiences for his role as a labor activist and he has accomplished much and garnered numerous honors.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends Nate Smith for dedicating many years to serve and encourage others to push for their own accomplishments; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh declares July 31, 1993 as "Nate Smith Day" in the City of

Pittsburgh.

Mr. Darkins moved to adopt the resolution.

Mr. Cohen seconded the motion.

Which motion prevailed.

Mr. Smith:

I really appreciate being recognized as I have been through this proclamation here.

I can go back 26 years ago today. In this City Council it was chaos. It was just crazy. We were trying to start a program. As I look around, I was just talking to one of the reporters, James, and he reminded me that he was at my first graduation of the group of men that we put through the program and that was in 1968. That was a long time ago; 25 years to be exact. Also, I see a police officer who ushered us in and out of here 25 years ago.

So, there was a seed evidently planted to get to this part of my life and of the lives of the people who were a part of it.

As I walked into the Chambers, the officer walked up to me and said, "Nate, you sure look good. You haven't changed a bit." Well I have changed quite a bit but I appreciate your honesty.

I want to say thank you very much. This is something that you can't buy. It's a seed to me that was planted and the fruits of it are those 10,000 African Americans who have a chance to use their skills in the construction trade as electricians, carpenters, plumbers, what have you. And it was a union that I had never known anything about and it's been in existence for a long time. And when it came on the table, I said, "Wow." It was called the elevator constructors. I never knew there was a union, no blacks in the

union, never. But today we have 11 black card carrying elevator constructors and that's a great accomplishment, believe it or not.

So, I would like to take this time to say thank you very much.

Saturday night a group of fellows got together, a group of African American craft union members got together and said -- Let me go back a little bit. About two months ago I was called to a meeting saying that they could not get any African Americans back into the unions any more, they were shut down or what have you. They called me in to ask me for some advice. Well, I tried to tell them what I could do, but they decided to give me an award and I was just overwhelmed. It's this Saturday at 6:00 at the Hyatt House. Everybody is in the room is invited to be my guest. If you don't have a ticket, we'll give you one. Thank you very much.

The Chair:

Thank you, Nate Smith.

Mr. Ferlo:

I'd like Mr. Norris and Maureen Barry to come forward from Copco.

Mr. Ferlo presents

No. 2958 WHEREAS, Copco Papers, Inc. is a part of Paper Corporation of America (PCA) and Alco Standard Company, the world's largest distributor of paper and packaging products; and

WHEREAS, Copco's slogan of having "The finest papers for every purpose" remains as true today as it did 80 years ago. In addition to the graphic arts industry, Copco serves manufacturing and distribution facilities, janitorial supplies, government, academic and

health care institutions; and

WHEREAS, Copco is on the leading edge of new distribution methods with their new state of the art distribution facility. Employing 45 people, Copco is a publicly held company and has stock that is traded on the N.Y. Stock Exchange. Copco is worth \$6.8 billion per year; and

WHEREAS, Copco has recently completed construction of a 100,000 square foot warehouse in the City's Lawrenceville section. The new address as of August 2nd will be 55 38th Street, Pittsburgh, PA 15201 and the new phone number will be 621-2121. Copco headquarters is located in Valley Forge, PA. Copco serves the Tri-State areas, as well as Ohio, West Virginia and Western Pennsylvania; and

WHEREAS, Copco's move back into the City allows for continued growth and expansion in the marketplace and allows for quicker customer response.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh extends our warmest welcome to the management and employees of Copco Papers as a new business with continued growth and expansion in the business world, to our City; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh declares Tuesday, July 27, 1993 as "Copco Papers Inc. Day" in the City of Pittsburgh.

Mr. Ferlo moved to adopt the resolution.

Mr. Cohen seconded the motion.

Which motion prevailed.

Mr. Ferlo:

We have two representatives from Copco today, Mr. Rod Norris and many of you know Maureen Barry who is very active in the community and she actually works for Copco which I didn't know until she walked in today.

I wanted to bring them down here today because I know Council, we've talked a lot about economic development and bringing businesses into the City and I do want to thank the Urban Redevelopment Authority, Lawrenceville Development Corporation, the Mayor's Office and others in the community and elsewhere who I think have worked diligently to try to attract not only new businesses but to assist struggling businesses that are here in the City of Pittsburgh.

I can add up about 11 companies that have moved into the Lawrenceville area in the last couple years as a result of what I consider a concerted effort on everybody's part to provide whatever incentives we need to provide to really make us be a competitive edge.

In this case, I think it's important to highlight and to credit this company with a management decision. I believe they were located out in Leetsdale and they relocated here in the City of Pittsburgh. Usually we're talking about companies leaving the City so I think it's nice to point out companies that do find that business could be good and is good here within the City of Pittsburgh boundaries.

So, I really thought it would be appropriate for all of this Council to lend our voices of support and welcome and praise and whatever else we need to do, including hopefully making sure they're on the bid list for the City to make sure that we buy our paper from Copco. But I think it's important that we really highlight and thank this company for its leadership.

With that, I do want to call on Rod Norris who is the Sales Manager from Copco and I'd like him to say a few words. Thank you.

Mr. Norris:

Thanks very much for having us here today.

On behalf of Copco Paper Company, our President Bob Baumgardner, and our Vice-President and General Manager Bill Robertson who runs our operation here in Pittsburgh, on behalf of them I'd like to accept this. It is very exciting for us to be moving back to the City of Pittsburgh. With our expansion in fine papers and industrial goods, we're looking forward to a two-year plan, an expansion into a five-year plan, and we're happy to be here. Thank you very much.

Mr. O'Connor:

I want to congratulate you for moving into the City. I'm sure you realize the location you have is so essentially beneficial to you, not only to you but to your customers. Another thing, a lot of your customers are local businesses, government and hospitals. I hope, as Jim said, they show you the support that you well deserve for coming here and I hope we can do business with you.

Mr. Norris:

We're very excited. Thank you.

Mr. Ricciardi and All Members of Council present

No. 2959 WHEREAS, at 4:00 a.m. on June 25, 1950, troops of the Democratic Republic of Korea, commonly known as North Korea, crossed the border into the Republic of Korea, commonly known as South Korea, thus

initiating the conflict which would become known as the Korean War; and

WHEREAS, the United Nations condemned this act of aggression and immediately agreed to intervene on behalf of South Korea; and

WHEREAS, military personnel from 21 member nations, including the United States, eventually came to the aid of South Korea; and

WHEREAS, the Korean War, known as "The Forgotten War" by those who fought in it, lasted for 37 months and ended with a cease fire agreement on July 27, 1953; and

WHEREAS, over 54,000 United States Armed Forces personnel died during this conflict with an additional 8,177 POW-MIA's and 389 unaccounted for; and

WHEREAS, a kick-off luncheon for a Korean War Memorial Campaign will be held at 12:00 noon, July 27, 1993, the 40th Anniversary of the cease fire agreement.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby recognizes and commends the efforts and accomplishments of the United States Armed Forces personnel who served in this "Forgotten War" and declares the month of July as "The Korean War Cease Fire Month" in the City of Pittsburgh.

Mr. Ricciardi moved to adopt the resolution.

Michelle Madoff seconded the motion.

Which motion prevailed.

The Chair:

Members of Council, it's an honor to

present the next resolution and I would like to ask two gentlemen, Mr. Leonard Rhodes and Peter Lackey, to please step forward to receive it.

It's a real honor for me to present this resolution. It's a project that we have been working on, and these two gentlemen actually initiated, for approximately five months. As the resolution reads, it was a significant public/private partnership.

The Chair presents

No. 2960 WHEREAS, Panther Hollow Lake in Schenley Park provides the City of Pittsburgh with a tremendous source of recreational activities, including walking, running, fishing and simply enjoying the quiet beauty of nature within the City's urban setting; and

WHEREAS, Panther Hollow Lake was neglected for decades until a recent public/private coalition of people and organizations joined together to restore the lake's flowing waters and natural scenic beauty; and

WHEREAS, on July 17, 1993, flowers were planted at the lake through the assistance of the Western Pennsylvania Conservancy, and Panther Hollow was restocked with fish after years of stagnation; and

WHEREAS, Panther Hollow Lake will once again provide an alternative location for activities such as fishing for the young residents of Hazelwood, Greenfield, the Hill District, Oakland, Squirrel Hill, the Run, and the entire City of Pittsburgh; and

WHEREAS, the success of the Panther Hollow Lake restoration is largely attributed to Leonard Rhodes' generation of interest in the project through a letter to the editor, and Peter Lackey's materialization and coordination of the

volunteer effort.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh recognizes the invaluable services of Leonard Rhodes and Peter Lackey in the restoration of Panther Hollow Lake, which would not have occurred without their sincere and dedicated commitment; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh declares Tuesday, July 27, 1993 as "Leonard Rhodes/Peter Lackey - Panther Hollow Lake Day" in the City of Pittsburgh.

Mr. Cohen moved to adopt the resolution.

Mr. Ferlo seconded the motion.

Which motion prevailed.

Michelle Madoff:

Where are the fish?

The Chair:

The fish are in the lake and the lake has been restocked. We hope there are still fish there because there have been a lot of fishermen and fisherwomen at the lake in recent weeks.

Members of Council, ladies and gentlemen, this is one of those projects, and I know all of you individually and some of us collectively on different projects have gotten involved to do things outside of the realm of Councilmatic responsibility. This has really been one of those fun projects that have put together a sincere coordinated effort of people to restore a natural beauty, a lake, in the City of Pittsburgh.

Anyone out there that is listening that has never been to Panther Hollow Lake, take 15

minutes and go there. It's a 2-1/2 acre lake that sits in the center of the City in Schenley Park below Panther Hollow Bridge and is a real jewel. Going back 25 or 30 years ago, it was a real recreational area within this City, a recreational area for boating, for fishing, for ice skating in the winter. And what we have done is restore that lake.

There was once a stream that flowed into the lake that was diverted around the lake, and excuse me for explaining some of this but it really was a major effort. There was a stream that flowed into the lake that was diverted around it about 25 years ago. The lake became stagnated. There was seepage silt that formed in the lake and it really was not a functional lake any longer.

What we've done with the initiation of a letter to the editor of which Leonard put forth and Peter Lackey got hold of me and we got hold of a bunch of organizations that became involved in the restoration. We first drained the lake partially, cleaned the lake, dredged the lake, then diverted the stream back into the lake. So it is now a fresh water lake again.

After doing that and a significant clean up project back several months ago where we took tires and carts from grocery stores and cans and bottles and you name it out of that lake, after we cleaned it we then diverted the stream back into it and is now a fresh water lake. Back on July 17th, we stocked the lake with fish and it is now an inner fishing area.

There are a number of people that I also have to recognize that played a significant role in making this happen, and excuse me for taking a few moments to do that but it's very important. Mellon Stuart Company. Bob Luffy, CEO, and Carl Dozzi put forth an effort from that company to empty the lake for nothing, simply a volunteer effort, and to be involved in the process of cleaning the lake.

In addition to Mellon Stuart Company, Sargeant Electric hooked up the lighting around the lake at no cost.

Avalotis Painting Company painted the structure out there at no cost.

The volunteers from the Boys and Girls Club of Western Pennsylvania came out there one Saturday and put forth a whole day of work to help clean and take debris out of the lake.

And it couldn't have been done without the Administration. Jim Turner got involved. And he got involved Alex Sciulli and John Walluk to provide assistance. In Parks and Recreation, Jeff Horan and Reggie Young in that department. And they put forth a significant effort. So I compliment them also because it could not have been done without them.

Panther Hollow Lake today is a great place and really the goal behind it always was to give young people an alternative place to go and something else to do in the urban environment in which we live. Well, they have it. And they have it within walking distance of at least five or six neighborhoods. And actually, walking distance even from communities like South Side and Bloomfield.

It's a great location and I hope the public uses it. But more importantly, I hope the public cares for it. What we can't let happen is what did happen, for the lake to become stagnated and deteriorated. It's a real jewel. It's a jewel that this City is proud of and I'm proud to present the resolution to these two gentlemen.

I'm going to ask Leonard Rhodes first to come forth and say a few words, and then Peter Lackey. Congratulations.

Mr. Rhodes:

I just want to say thanks to Jack Wagner, Peter Lackey and Carl Dozzi for following up on this project. It was like a dream come true. I sat down at that lake and I fished it before it cleaned and everything, and I was alone. I was sitting by myself. It was sad because some people walked through and they said, "There's no fish in that lake." And I caught a fish right after they said it but it probably was a fish that lived in there forever.

I got real sad and I said that I wanted to talk to somebody about this. I called Jake Milliones who passed not too long after I called him. So, my last alternative was to write to the editor. I wrote to the editor and I still thought it was just wishful thinking. Then it pops up in the paper that they're going to do something with the lake. All this was mind blowing to me.

I was sitting down there by myself that day but today when I go down there there's a lot of families fishing that lake. It is a joyful sight to see every walk of life. You can name it; any race you want to name is down there with the kids. Everybody gets along well. Everybody speaks to each other. Everybody hollers back and forth across the lake. We're having a ball. It's like a big playground.

You can't let this go. It's a peaceful place in the City where people can go. It's a joy to see people coming over those train tracks, coming down out of the woods with the tackle box and their freezer chests and their kids hanging on them. It's wonderful. With all the tension in the City today, you need a place to go where you don't have to be under tension. You need this lake. You need to keep it the way it is. Please don't let it go. I learned to fish there, I want my son to learn to fish there, and other people's son's to learn to fish there. Keep it going. Please don't let it go. Thank you.

Mr. Lackey:

First of all, I want to thank Jack for getting on board.

Let me give you a little background history of how this took place. Back in March, as you're aware, we had the election going on and I was working with Jack's campaign and I also was looking at the news on a daily basis and all I heard and saw was children in trouble. All they kept using was the term "children with guns". It's my opinion that when a child picks up a gun, he's no longer a child. We're losing a whole generation here. These kids are killing each other left and right. My concern back then was that we must find alternatives. The idle mind is the devil's keeper. These kids have nothing to do.

When I saw that letter to the editor, it was three sentences. Basically, at that time, you were selling the golf course. Leonard wrote a small letter and all it said was, why doesn't someone do something? Clean up Schenley Pond. Make it a pay lake. It's a winner. All he was looking at was a way of selling it, make it private, make it profitable, and someone take care of it.

When I spotted that, I was there a year ago last weekend at the Grand Prix Race. I've never been to Schenley Park and I'm from Brookline. A policeman told me that I couldn't cross a bridge and I had to go down this valley. I started down these steps and there was a 2-1/2 acre pond that I never knew existed in the City of Pittsburgh. It is absolutely beautiful.

I came home and I mentioned it to a girl that I'm dating from Greenfield who said, "Oh, we used to ice skate there all the time." This was a year ago and that was the first and last time I saw the pond, until the letter to the editor.

With that in mind, I rode out and took a

couple photographs of the pond. I approached Jack and said, "Jack, here's something for the little people." Everybody is dealing with corporations. How about the kids? Here is an alternative.

Jack rode out on a Sunday morning with me. We took an hour or so walking around looking at the streams. We had the water tested. Ten days later Jack calls me and says, "You know, we have potential here. We can get volunteer groups. We can get something done here. This water is good."

With that in mind, he held a press conference and announced that we were going to do something with the lake.

Carl Dozzi, Vice President of Mellon Stuart, when I first met Carl he had hip boots on and he was in four feet of mud holding an old broken television in his hand. That's the first time I met Carl. When these guys said they would help, we figured they would help; but we never thought they would get into the mud with us. But they did. Fred Sargeant from Sargeant Electric, he came out. There's 11 street lights that haven't worked in 30 years that now work and now the lake is lit up. I just am amazed at the people that got involved.

When we planted flowers two weeks ago, there was a girl there by the name of Laura. She was from New York City. She just moved to the City and happened to be going through the trail and saw the bulldozers and said "What's going on?" This woman was from New York and she was standing beside me planting flowers.

There were people that I met from all over parts of this City, not just Oakland, that got on board because of his letter to the editor. So, I'm really proud that this guy took the initiative to go and pursue something that he felt and believed in because, without that little letter, we wouldn't

have what we have today. So I'm real proud of Leonard for taking that step.

I just want to say to all of you, your new Administration, please follow up on it. Don't let it deteriorate. There is a lot more work that can be done and will be done.

And I found out, that one percent we keep hearing about in the media is dictating to all of us. Ninety-nine percent of the kids in this City are positive. They're willing to help. All you need to do is show them. Those Boys and Girls Clubs, those kids stood and they worked in that sun and 95 degree temperatures, and they stayed with us for the six hours we were there each weekend. Those kids were there. All we have to do is show them and lead them and they'll be there. And they'll put the guns down and hopefully pick up a fishing rod. Let's save our kids. Let's find more projects like this for the kids.

Thank you very much.

Michelle Madoff:

Jack, while you're having your photo taken, has a proviso been made to create a trust fund to make sure the money will be there so this doesn't happen again?

The Chair:

Not yet.

Michelle Madoff:

Don't you think that would be the very next step because this is a joke. We restore something and the City doesn't have the smarts to understand that it has to go on, although I know that the future Mayor is conservationist. But, be that as it may, we need to do something. Whoever is going to be the next Mayor, hopefully, will do something that will assure that

that entity you put so much effort and work into won't go down the tubes.

Mr. Lackey:

I don't think it will deteriorate. The positive thing about this is, in the last two weeks I've been there three times. And I'll tell you this; there is public there. Like the guy said. The families are there and they clean up after themselves. The activity is there now.

Michelle Madoff:

You talk about expanding and I think you're right. There are some wonderful things they could put in conjunction. And I think we all agree. Basically, nobody is disagreeing. I just want to be sure that if we get into a little recession around here and everybody forgets about it. We need somebody.

Jack and I for years have been talking about having someone market and promote the City, and that's part of it. I think corporations would be delighted to give children alternatives, a gun to a fishing rod.

The Chair:

Thank you very much. And I just want to thank you two gentlemen again.

And, Peter, your final statement of putting down the guns and the weapons and picking up a fishing rod is really getting to the heart of it. Thank you.

Mr. O'Connor:

I just want to thank you for your efforts. I used to ice skate down there many years ago when it was very busy. But I just happened to go to the Hollow to visit a friend last week, and all the kids were going fishing. There was almost a

dozen kids from that area. So it really is good for all our children.

Mr. Lackey:

I had the opportunity to walk through the Hollow and meet the people because I had billed the neighborhood looking for volunteers. And I'll tell you what, there's a generation of people down there. I mean, they leave their doors open. They walk to and from each others homes. That is such a nice Hollow. And those people are so heartwarming. It was nice to see right in the heart of our City.

The Chair:

Thank you very much.

Mr. Darkins presents

No. 2961 WHEREAS, Yvonne Stevens, a grandchild of the Spann Family, wanted so much for this resolution to be presented to the entire Spann Family; and

WHEREAS, Hattie G. Stevens, the daughter of Jack and Gertrude Spann, recently passed through this life, but is with us in spirit today to see the presentation of this resolution and we share this event with her; and

WHEREAS, the Spann Family has established togetherness among their numerous relatives and has something that will last through the ages; and

WHEREAS, the head of the Spann Family, Jack Spann, born May 16, 1844 in Middleton Township, Sumter County, South Carolina, spent his entire life in Sumter. He was a farm laborer and clergyman and he assisted the Pastor of St. Luke AME Church for many years and was fluent with quotes from Genesis to Revelation.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby offers its ovation to the entire Spann Family, an African-American family whose journey across the country was brought forth to our attention and again reveals the strength of the African-American; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh hereby proclaims July 31, 1993 as "Spann Family Day" in the City of Pittsburgh.

Mr. Darkins moved to adopt the resolution.

Mr. Ferlo seconded the motion.

Which motion prevailed.

The Chair and all Members of Council present

No. 2962 WHEREAS, Pittsburgh City Councilmembers, on behalf of the residents of the City of Pittsburgh, hereby welcome the Honorable Roald Babun, Mayor of Novokuznetsk, Russia, to the City of Pittsburgh; and

WHEREAS, Mayor Babun has come to Pittsburgh to establish linkages with Allegheny County environmental officials and experts from our local universities; and

WHEREAS, the City of Novokuznetsk, Russia, has been troubled with air and water pollution, and in an effort to ensure a healthy environment for his fellow people, Mayor Babun is seeking the assistance of City and County experts in the Pittsburgh area.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh wholeheartedly extends their best wishes for a productive trip to Pittsburgh and

proclaims Monday, July 26, 1993 as "Mayor Roald Babun Day" in the City of Pittsburgh.

Mr. Cohen moved to adopt the resolution.

Mr. Ferlo seconded the motion.

Which motion prevailed.

Mr. Cohen presented

No. 2929 Resolution providing for a lease with M. Berger Land Company for an initial term of 5 years at an annual rental of \$7,300.00, solely for the purpose of parking vehicles, the former site of the City's River Rescue operations, located on the Monongahela River between South 4th and South 6th Streets, 17th Ward. The south side of the property abuts the SCX Railroad Tracks.

Also,

No. 2930 Resolution providing for a lease with Pittsburgh Brewing Company for an initial term of 5 years at an annual rental of \$60,000.00, the advertising rights and clock face of Three Taxing Bodies property, known as the former Duquesne Brewery Building, South 21st and Mary Streets, 16th Ward, City of Pittsburgh.

Which were read and referred to the Committee on Finance.

Mr. Cohen moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. O'Connor seconded the motion.

Which motion prevailed.

Also,

No. 2931 Resolution providing for the issuance of a \$1,851.80 warrant in favor of Duquesne Light Company in settlement of claim for property damage incurred when a Department of Public Works vehicle in the process of salting a downhill grade on Mountain Street slid into a utility pole, payable from Code Account No. 46, Judgments.

Also,

No. 2932 Resolution providing for conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Also,

No. 2933 Resolution providing for conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Also,

No. 2934 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Which were severally read and referred to the Committee on Finance.

Mr. Darkins presented

No. 2935 Resolution transferring the amount of \$50,000.00 from various Code Accounts to Code Account 1700-1, Premium Pay, all within the Department of Public Works.

Which was read and referred to the Committee on Finance.

Also,

No. 2936 Resolution granting unto Katherine E. Murray, 62 Harlan Avenue, Pittsburgh, PA 15214, her successors and assigns, the privilege and license to construct, maintain and use at her own cost and expense, a fence on a portion of the right-of-way of Harlan Avenue in the 26th Ward, 6th Council District of the City of Pittsburgh.

Which was read and referred to the Committee on Public Works.

Mr. Ferlo presented

No. 2937 Resolution providing for City Council to retain its own attorney who shall act as legal advisor to Council with regard to which legal strategy and tactics Council can initiate to recover and assume responsibility for all that certain realty located in Highland Park and known as Highland Reservoir No. 1 in order to continue and expand the Reservoir's recreational nature and to incorporate the discontinued Reservoir into the overall Park.
---(SPONSORED BY MR. FERLO)

Which was read and referred to the Committee on Finance.

Also,

No. 2938 Resolution authorizing and directing the Director of Engineering and Construction to prepare and forward a feasibility and cost assessment report concerning Highland Reservoir No. 1 to City Council.
---(SPONSORED BY MR. FERLO)

Which was read and referred to the Committee on Engineering and Construction.

Michelle Madoff presented

No. 2939 An Ordinance supplementing the Pittsburgh Code, Title Seven - Business Licensing, Chapter 777, Mechanical Amusement Devices, by limiting the proliferation of Electro Mechanical Gambling Devices. --- (SPONSORED BY MICHELLE MADOFF)

Which was read and referred to the Committee on Public Safety.

Mr. Onorato presented

No. 2940 Resolution amending Res. No. 648 eff. May 19, 1993, to authorize the City's acceptance of the assignment of the Master Emergency Telecommunications Finance Agreement between the City of Pittsburgh Equipment Leasing Authority and Bell Atlantic TriCon Government Finance, Inc., in connection with the purchase of the City's Automatic Location Identification System at a cost of \$9,574.73 per month, not to exceed \$430,862.85.

Which was read and referred to the Committee on Public Safety.

Mr. Onorato moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Ferlo seconded the motion.

Which motion prevailed.

Also,

No. 2941 Resolution authorizing the transfer of \$10,000.00 from Code Account 1457, Uniform Allowance, and \$120,000.00 from

Code Account 1457-9, Workers Compensation, for a total of \$130,000.00 to Code Account 1443-7, Longevity, Bureau of Police, Department of Public Safety.

Which was read and referred to the Committee on Finance.

Mr. Smith presented

No. 2942 Resolution providing for the issuance of a warrant in the amount of \$7,536.00 for payment to Liebert CS & S Company, James Waslewski, Vice President, for repairs made to the emergency generator of the computer control system located at the Emergency Operations Center, payable from Capital Project Code 3-30-01-0003-92, Department of General Services.

Also,

No. 2943 Resolution providing for the transfer of funds in the amount of \$80,000.00 from Code Account 1132-7, Utilities, to Code Account 1128, Misc. Services, in the amount of \$40,000.00 and to Code Account 1138, Repairs, in the amount of \$40,000.00, all within the Department of General Services.

Also,

No. 2944 Resolution providing for the transfer of funds in the amount of \$60,000.00 from Code Account 1144, Gasoline, to Code Account 1134, Misc. Services, in the amount of \$50,000.00 and to Code Account 1132-2, Telephones, in the amount of \$10,000.00, all within the Department of General Services.

Also,

No. 2945 Resolution providing for the transfer of funds in the amount of \$30,000.00 to Code Account 1132-9, Workers' Compensation, from Code Accounts 1142, Misc. Services, in the

amount of 45,000.00 and from code Account 1150 Outside Repairs, in the amount of \$25,000.00, all within the Department of General Services.

Also,

No. 2946 Resolution providing for the transfer of funds in the amount of \$100,000.00 from Code Account 1470-9, Workers' Compensation, Bureau of Fire, Department of Public Safety, to Code Account 1132-2, Telephones, Department of General Services.

Which were severally read and referred to the Committee on Finance.

Also,

No. 2947 Resolution that the Director of the Department of General Services of the City of Pittsburgh be and is hereby authorized to advertise for proposals, award and enter into contracts or exercise against existing contracts for furnishing materials, general supplies and equipment whose estimated cost will be in excess of \$10,000.00 and to purchase, without advertisement, such materials, general supplies, equipment and machinery whose estimated costs will be less than \$10,000.00, as required by various departments of the City of Pittsburgh, during the calendar year 1994.

Also,

No. 2948 Resolution that the Director of the Department of General Services of the City of Pittsburgh is hereby authorized, during the calendar year 1994, to invite proposals and to award a contract or contracts, or to exercise against existing contracts, for the maintenance, repair, rental, rehabilitation, renovation, inspection or servicing, including the furnishing of labor and materials necessary thereof, of personal property, and also for bonding,

insurance, printing and other related services, and for the maintenance and repair of buildings, structures or any other properties in the custody of the various departments owned and controlled by the City of Pittsburgh. The City of Pittsburgh shall have the right to terminate contracts as of December 31, 1994, in the event funds are not appropriated for the continuation of said contracts in any succeeding calendar year.

Which were read and referred to the Committee on General Services.

UNFINISHED BUSINESS

Michelle Madoff:

Mr. President and Members of Council, I can't think of anything that's more Unfinished Business than the fact that our phones are all out right now.

I don't know about your offices but the City does not have telephones. I just asked Mr. Ferlo if I could borrow his portable in case we have a fire or an emergency in the City.

It seems that once more the City was conned. We were conned into buying our computer systems. We bought hardware that didn't work with the software. And we're supposed to be studying it but I never did get that last study. But with this new system, if somebody gets a call you can't pick it up on another line. It just doesn't work. It has never worked.

I just spoke to somebody and found out that the system we purchased is called Legend. We ought to think about getting System 75 which I understand will work. This is the City of Pittsburgh. This is from whence supposedly we're supposed to be running this City. It's a joke.

I don't know who bought this piece of

garbage and how we got conned into it and where the experts are, but I think this Council needs to look at the performance guarantees, what warranties there were, and I want them in a summary form this afternoon, Mr. Perry, if we can get it from the Administration. And I would like our budget office to please look into the differential costs between Legend system and System 75. Whatever the cost is, it will never be as much as we pay in going to negotiated bids instead of competitive. We just have to do a little efficient business and stop taking care of the good old boys and the pinstripe network and we can pay for the needs of this community. Thank you.

The Chair:

I understand, according to Mr. Perry, that the Phone Company is repairing them as we speak.

Michelle Madoff:

Again and again and again. They can't even repair them because somebody is on the line.

REPORTS OF COMMITTEES

Mr. Cohen presented

Bill No. 2952

Report of the Committee on Finance for July 21, 1993 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2888

A Resolution entitled, "Resolution providing for

the issuance of a warrant in the sum of \$37,000.00 to Brian E. Bonsteel, c/o Glenn D. Dolfi, Esquire, Dolfi & Martin, Attorneys at Law, 4762 Liberty Avenue, Pittsburgh, PA 15224, in full and final settlement of the action filed at GD91-21209 alleging personal injury and property damage sustained due to a vehicle collision at Forbes Avenue and McKee Place on or about March 5, 1991."

Which was read.

Also,

Bill No. 2891

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Browning-Ferris Industries of Pa., Inc. in the amount of \$2,008.00 in payment for refuse removal furnished for the benefit of the City without previous authority of law, and providing for the payment thereof."

Which was read.

Also,

Bill No. 2898

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of the Walter H. Drane Company, Tower East - Suite 180, 20600 Chagrin Boulevard, Cleveland, OH 44122, in the amount of \$238.50 in payment for professional services in connection with extra work relating to the preparation and printing of supplements to the Pittsburgh Code."

---(SPONSORED BY MR. WAGNER)

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Michelle Madoff	Mr. Wagner
Mr. O'Connor	(Pres't)

AYES 9

NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 2843

A Resolution entitled, "Resolution providing for the issuance of a warrant in the sum of \$19,000.00 to Stanley J. Dutchko, c/o Timothy O'Brien, Esquire, Lawyers Building, 14th Floor, 428 Forbes Avenue, Pittsburgh, PA 15219 in full and final settlement of an arrest by City of Pittsburgh Police, on or about July 3, 1991."

Which was read.

Mr. Ferlo:

I'd like my comments brought forward on Bill 2843. The famous six-pack dispute.

Mr. Cohen:

I'd like my comments brought forward on the same bill, please.

Mr. Onorato:

I'd like my comments brought forward.

(REMARKS ON FOLLOWING PAGES)

(BEGINNING - MESSRS. FERLO, COHEN AND ONORATO'S COMMENTS ON BILL NO. 2843, WEDNESDAY, JULY 21, 1993)

Mr. Onorato:

Let me pull out the bills here. Mr. Specter, we have had lengthy discussions over this case and since last week we have been receiving a lot of backup. Judges opinions, legal opinions from our Law Department and other correspondence and I still have questions over what would happen if we denied this and I understand that the summary judgment issue, that has to be talked about in more detail today and that a judge has already made a statement and made a decision granting the one side, in this case the plaintiff, the individual saying that by law that the officer of the City made a mistake and therefore on that issue everybody agrees to move forward and if we deny this it goes to trial there's a chance that we might not be able to argue certain points about the arrest; is that correct?

Mr. Specter:

That is possible.

Mr. Onorato:

The other question that I have then if we go that route and that happens that trial, when can we bring up the issue of what exactly happened at the arrest? In we lose in an appeal what would happen at that point?

Mr. Specter:

You understand a summary judgment that is a judgment entered prior to trial has already been entered against the officer. If we proceeded to trial in the case, there is the question as to the extent of the testimony which would be admissible regarding the circumstances of the arrest and reasonable minds differ as to the extent of what would be admissible.

If there were a verdict against the City, an ultimate judgment against the City as opposed to the officer at trial, then we would have the right to file motions, post trial motions after the trial to try to get the trial judge to reverse that and if he would not do that we would have to appeal to the United States Court of Appeals for the Third Circuit where the argument would be on the legal aspects of it. Likewise, the officer would be able to appeal the summary judgment against him to the Court of Appeals and we could raise all of these things and issues and attempt to get a reversal for a new trial.

Mr. Onorato:

A lot was made in both the summary judgment, a opinion about the judge, a lot of the legal discussion here and the memos about the City's policy arresting for a summary offense and it appears that the judge seemed to think that there was a system in place where that could happen frequently. I thought we talked last week about why we don't have a system where that happens frequently and this was an individual incident that occurred. So I guess I'm a little confused on why that development occurred during the retrial hearings where in his opinion he felt that we had a system that could happen over and over again.

Mr. Specter:

I want to comment on it, I'm trying to think of the best way to do it. I think that the real importance of the opinion was directed towards the conduct of the officer in his deposition testimony. That is testimony taken at a deposition prior to any trial. The Court left open the question as it should have for trial and evidence that would come out of trial as to whether the City had a policy or condoned the practice of arresting for summary offenses and we have had our opportunity at that trial to present contrary evidence. So I do not believe that the judge found in his opinion that there was a policy. In fact, he expressly reserved any opinion on that pending evidence that might come out of trial.

Mr. Onorato:

One final question. What is irritating about this case and ironic is that it appears that if we vote this down and don't pay the settlement offer that we're making the argument that we want to defend and help our police officers and stand behind them, that our vote could actually hurt this individual officer.

Mr. Specter:

As we said in our supplemental letter, under the Political Subdivision Tort Claims Act, he has a right to seek indemnification.

Let me back up. If we had to try this case and the City is exonerated but the summary judgment would still exist against the officer, if there were a monetary verdict against him then under the Political Subdivision Tort Claims Act he has a right to indemnification and in this case he would be entitled to it.

Mr. Onorato:

I am sorry, I wasn't referring to we will monetarily hurt this officer, what would happen to this officer if he was found

at fault? What's our policy for an officer if it goes to trial and they say this officer was guilty of illegal arrest? Do we take actions to punish individuals or does it go in his employment record? That's what I meant by he could actually be hurt if we go to trial.

Mr. Specter:

I may not be the best person to answer that but I think in this situation the officer's conduct under the circumstances was reasonable and he had to react at the moment and I would not think this would be the kind of thing that would lead to any kind of disciplinary action.

Mr. Onorato:

I still have a hard time with this case and I realize the risk involved as the attorney fees but I still believe that this individual, what he's asking for is outrageous for what happened to him and for what he caused to happen to him and he was at fault but I'd like to hear my colleagues on this issue.

(AT THIS POINT MS. KRIEBEL RESUMED STENOTYPING THE MEETING)

(CONTINUED ON NEXT PAGE WITH NO LOSS OF CONTEXT)

MARY ANNE HRUSKA
RELIEVING STENO TYPE REPORTER

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Darkins	Mr. Smith
Mr. Ferlo	Mr. Wagner
Michelle Madoff	(Pres't)

AYES 7 NOES 2

(MR. ONORATO AND MR. RICCIARDI VOTING NO)

And there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Also,

Bill No. 2916

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Arnita Long, 4734 Kinkaid Place, Pittsburgh, PA 15224, in the amount of \$721.00 in payment for professional services rendered to Councilman Jim Ferlo for the month of July, 1993."

---(SPONSORED BY MR. FERLO)

Which was read.

Also,

Bill No. 2919

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of James

Zehfuss, Riverview Towers, Apt. 301, Pittsburgh, PA 15212, on behalf of the United Senior Citizens of the 27th Ward, in the amount of \$125.00 in payment for recreational activities provided to Senior Citizens, chargeable to and payable from Code Account 1001-1 (100115), Miscellaneous Services, Supplies and Equipment, City Council, District 1."
---(SPONSORED BY MR. ONORATO)
(AS AMENDED IN COMMITTEE)

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Michelle Madoff	Mr. Wagner
Mr. O'Connor	(Pres't)

AYES 9 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 2920

A Resolution entitled, "Resolution transferring the amount of \$25,000.00 from Code Account 1002, (100206) Salaries and Wages, Regular and Temporary Employees, City Clerk's Office to

Code Account 1006-9, (100693) Workers Compensation, Index Code 100693, City Clerk's Office." --(SPONSORED BY MR. WAGNER)

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Michelle Madoff	Mr. Wagner
Mr. O'Connor	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Darkins presented

Bill No. 2953

Report of the Committee on Public Works for July 21, 1993 transmitting two ordinances to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2889

An Ordinance entitled, "An Ordinance amending and supplementing the Pittsburgh Code, Title Six, Conduct, Article I, Regulated Rights and Actions, Chapter 619, Refuse Collection and Recycling; by deleting 'Department of Environmental Services' and inserting 'Department of Public Works' throughout Chapter 619 in its entirety and by supplementing Section 619.02 Municipal Waste to be Collected by City, by providing alternate collection of refuse pickup every [two (2)] three (3) years."

--(SPONSORED BY MR. COHEN)
(AS AMENDED IN COMMITTEE)

Which was read.

Mr. Cohen:

On Bill 2889, if you recall, that is the bill that I introduced to rotate the Monday collection day. It says that the Monday collection day should be rotated such that no residential neighborhood shall have Monday pickup for more than three years. It's the fairness element that every neighborhood should be treated fairly and not have to be burdened with a Monday pickup for more than that period of time.

The amendment says, and this was pointed out to me by Councilman Ricciardi and I appreciate it, the amendment says that the rotation of the Monday collection day shall begin in January of 1994 so that the rotation begins then rather than having the Administration start the program and not have the rotation begin until three years later. I think that the consensus of the people who voted for this is that for those neighborhoods, say like Bloomfield and my district that have had Monday pickup for more than three years, they should be rotated as soon as possible.

Mr. Ferlo seconded the motion.

Michelle Madoff:

I want to thank my colleague, Mr. Cohen, for catching the fact that although this Council, we're different bodies, voted to support the exact same legislation that I introduced. Somehow or other it never got into the record. Don't ask me how that happened; probably the Administration didn't like the way I parted my hair that day. But in any event, the issue is one that should be in writing and should take place.

But I think it goes beyond that. I don't think that the bill that I had introduced and asked Mr. Wagner to put in writing, and I'm glad he did, to have the garbage picked up should conflict with this. They're two separate issues. Thank you.

Mr. Darkins:

Again, I think what has happened here, and I said it last week and I'm going to continue to say it because it's a part of what I think is right, I think that whenever you're going to make changes within a department, especially the Refuse Department within the City of Pittsburgh, I think there should have been a post agenda. I think we should have people come in from the union. I think we should have discussed this thoroughly with them before we present legislation.

Today, I just think that this is awful. And again, I must repeat myself in regards to my colleagues on Council: None of you go down there, none of you talk to these people. The only thing you do is sit in your offices and get the complaints as they come in on the phones. These are City employees, one of the toughest departments within the City of Pittsburgh, and I don't think you should just take them for granted and set their agenda for them. I think you should talk with these people before you set an agenda

and guidelines and what they have planned and what's amicable because you're presenting legislation.

The Chair:

On the amendment. All in favor?
Opposed?

Mr. Darkins:

Opposed.

The Chair:

One opposed.

WHICH MOTION PREVAILED.

Mr. Ferlo:

Just on the bill, I'm not a police officer and I don't walk a beat, but as a matter of public policy this Council for many years has felt strongly about the fact that police officers should be engaged in foot patrol in high crime areas. It's a question of this Council expressing a policy on an important issue. Likewise, Mr. Cohen, by ordinance, is codifying into law what was supposed to have been a practice by the Administration regarding rotating the Monday pickup. He's just stipulating in law that it should be every three years and he has a bill and particulars here so that no one neighborhood is burdened. I support it wholeheartedly. I think it's very reasonable and it actually has been practiced in the past, unfortunately, by the Administration. They've delayed, at times, doing the changeover every few years.

So, I think it's important that we support this so that it's fair to every neighborhood.

Mr. Cohen:

Very briefly, Mr. President. I very much respect Reverend Darkins' views and very much support our refuse workers. I think they're terrific workers and do a terrific job.

All this bill does is say that the pickup days should be rotated so that no neighborhood has the Monday pickup more often than any other does. We all know, and many Councilmembers have discussed this before I have including Michelle, that the Monday pickup day is just a tough day because of the number of holidays that land on that day, particularly during the summer, Memorial Day, 4th of July and Labor Day. 4th of July not every year but it happened this year.

So, I have great respect for the Department of Environmental Services and our refuse workers and I haven't heard from any that they oppose this and I don't think this particular bill will change anything except for the neighborhood pickups.

Mr. Ricciardi:

I support Mr. Cohen's bill and thank him for putting it forward. Upon taking office in 1990, I was concerned that certain neighborhoods in my particular district were being overburdened by the Monday pickup, meaning the non-Monday pickup but was guaranteed there that there was a policy of rotating the garbage pickup for people missing Monday every three years. But this year proved that at times that policy was really not fully complied to. I think this is something that is much needed and again I commend Mr. Cohen for putting it forward.

The Chair:

I'd like to offer my amendment, which all of you have in front of you. It's handwritten. Let

me explain it.

Amendment to Bill No. 2899. It basically addresses what Councilman Onorato was referring to prior to the meeting that my legislation pertaining to the pickup of refuse the day after Memorial Day, the 4th of July and Labor Day, specifically indicates the day after. It really does not give the Administration any flexibility in a negotiation process, or the union in the negotiation process, to determine when and how that refuse would be picked up. Therefore, the amendment in front of you.

Mr. Ferlo seconded the motion.

The Chair:

The amendment to Bill No. 2899 takes out the wording, "on the day after the". Those five words which refer to pickup after those three days. And insert the words, "before, on or after", which means that, obviously, the 4th of July falls on a Monday, my legislation says, until this is amended, that it had to be picked up the day after. Now it indicates that it could be picked up before the Saturday, the Friday, on the Monday or on the Tuesday, depending on how it best meets the Administration, the union and the citizen needs.

Mr. Ferlo:

Obviously I support the bill and, more importantly, I support this amendment because it clarifies our position and the roles here.

We are not, as a legislative body, dictating how the Administration should negotiate through the collective bargaining process with the union with those employees.

We, as a legislative body, are reflecting our concern as a matter of public policy about what we feel is an inequity in the system, and that is that on critical summer days and the three

holidays that you mentioned, because of health and safety considerations, garbage should be picked up and not have to wait a two-week period. That is a matter of policy that we're reflecting our concern based on a lot of complaints not only to my office but certainly, I'm sure Mr. Wagner who has been here longer than me has shared the burden of calls regarding this issue and possibly other Councilmembers. I know Michelle in particular has talked about this issue for a long time.

I think it's a good amendment because, again, we are not dictating what the parameters are for their negotiations. We're only stating that we want the garbage picked up for these three days.

I wholeheartedly support the amendment and I encourage my colleagues to give it consideration.

Michelle Madoff:

With all due respect, Mr. President, I think you're diluting your bill. You can't say before because on this July 3rd which is sometimes known as the 4th elsewhere, or not as the 4th here and known as the 3rd in the rest of the country, I had some people over. And everybody in my building had people over. I live in a unit with 65 units, and the dumpsters couldn't hold all the refuse.

So, if you say before, you let the Administration say, "We were there on Thursday." Then what happens is the garbage that's generated because of the events that take place on that date does not get removed and you indeed have your health and safety problems.

So I would ask respectfully that you take out "before" and change it to, and I'm sorry that I don't have it in writing because I didn't know you were going to do this amendment, I would like to

see it say "on" or "the next day" at the latest, because you're concerned about health and safety issues here. It doesn't mean anything if you say "after". They'll say, "We took it a week later; that's after." You know they're going to interpret it the way they want to.

This was already passed in this Council over and over again. I remember now, it's jogging my memory, the Administration made a pledge that we didn't have to put it in writing and they would adhere to the rotation and they would see to picking it up and they would put forth their very best effort. Obviously that doesn't mean anything. Either we have rules and laws that protect and honor our taxpayers who support the services, or we don't.

And that's a separate issue apart from abusing the refuse workers who work harder and longer and do jobs that most of us wouldn't do for any amount of money and they're unappreciated. That's a separate issue. They should not be penalized. And I agree with my colleague. Somebody should have said, "How can we do this efficiently?" They should have had some input.

But that isn't the issue here. The issue is, right now, do we want to pick up the garbage on this hot day when you have a lot of it, and not skip a week because there's a holiday, or do we not want to? If we do, then it has to be on or no later than the next day. Does anybody disagree with that? Do you disagree? You think we should leave it? How about your house? Everybody bring it to Dan Onorato's if you have a holiday.

Mr. Onorato:

I've sat through Monday pickups for many years, Councilwoman Madoff. I think the problem here is that everyone on this Council agrees that there's an inequity if you're stuck on that Monday. That's the problem. The question

and where we differ is how we're going to address the problem.

Councilman Cohen's amendment, which I support, basically rotates it and then everybody shares the burden equally throughout the three year period, without an additional cost of overtime and manpower and possibly workmen's comp, whatever the issue might be.

Councilman Wagner's bill would address the three days which would entail and additional cost. The question is, is it that much of a burden for every citizen in this City to share three or four days a year out of the 52 weeks we have pickup? I'm willing to go part way and say on the 4th of July that yes, maybe we should do that because it's the middle of the summer and you can argue that the other two days are just as hot. But I think by adding the three days, we're at a point now where we're saving because of the contract. We shifted the money over last week to the Police. I think we can address the problem fairly, Councilman Cohen's bill, without additional cost.

And I think that the Refuse we have is probably the best in the County. If you look at surrounding municipalities where they pay for every individual pickup, it's not part of their wage tax like it is here in the City, that they don't have the bulk pickup every two weeks where you can put anything out, basically, and get it picked up. They pay by the pound, the number of garbage cans, how big it is, that we are so efficient here it's one of the things we do extremely well in the City of Pittsburgh, the refuse pickup.

We had a lot of problems with the recyclables. I'm talking about regular refuse pickup that the way to address it is by rotating it every three years. It's a policy that was supposedly in place, but as we see it wasn't really happening. Now it's codified and I congratulate Councilman Cohen for doing that. And I'm

willing to support that and I think we should try it and this way also save money and not incur additional expenses.

Michelle Madoff:

I don't believe what I'm hearing. It almost sounds like the Administration, and I know you better, Dan. We need to save money and it doesn't matter if people get sick and the garbage is left out and the rats get into it and it costs us a lot more because we didn't do the pickup on those hot days.

We're talking about Mickey Mouse money here in the overall scheme of our budget and the money can be saved by not wasting it in other irresponsible ways that the Administration wants to do. The situation is really very simple. We have a health hazard. The summers are getting hotter. We're having more humidity. People cannot live with that garbage, particularly, I agree with you, on the 4th. It should be the priority. But the other two days could be just as bad. You know, people are vacationing and you've got the garbage out there.

It seems to me that the dollar figure, and Bill Urbanic did some research while I was on vacation, and the cost would be another \$100,000 annually. And I just heard you say that money was transferred to the Police.

Come on. Let's go to a negotiated bond and let's not give \$6 million away on a bond issue because we were negotiating. We're talking about a joke here. This is what people pay their tax dollars for.

And Dan, I will tell people, if it's a bad day and you've got lots of garbage and our dumpsters get filled, I'd be delighted to bring it over to your house. Try it. You won't like it. I'm just saying that we have to do something.

Mr. Onorato:

Mr. President, I don't want this to turn into a personal battle. I want to make it clear that I represent North Side and we have our problems with refuse pickup. What I'm saying is, overall 52 weeks a year we pick up trash. That's every 7 days. There's 3 or 4 days a year that Monday pickup has to bear the burden of waiting an extra week. If we shift that burden, I think it's fair to all our taxpayers at that point because we are all paying, we all deserve the same service, and that will ensure that we have the same service. And if I have to wait 14 days every 3 years, I can live with that, personally. And I think if that will save us \$100,000 or \$150,000, whatever the number might be, we have to start looking at places to save at this point, especially since we're asking to spend more and more on beat officers and bringing in more police. It all depends now on prioritizing where we're going to spend. That's all I'm saying.

Michelle Madoff:

And I'm saying that \$100,000 will be cheaper, if that's the real figure and I'm sure it's inflated, then any lawsuit the City could have because of some epidemic or health hazard that could be caused --

Mr. Onorato:

There's no lawsuit that would ever hold up for an epidemic of 14 days of garbage. I just can't believe that.

Michelle Madoff:

I'll tell you what --

Mr. Onorato:

I'll represent those individuals if you're going to put that garbage at my house.

Michelle Madoff:

You come and smell that garbage that has been sitting there for 14 days and the rats get into it. You're talking about your pristine areas, you're talking about the people who can take care of it. We're talking about communities that cannot afford, they don't have the place to keep that garbage. It is a very serious problem.

Mr. Onorato:

I still have the floor and I just want to end by saying, regardless if you're rich, poor, middle class, you can always keep your property clean. That's not the issue and I don't want to cloud it with whether it's a wealthy area or a poor area because you could probably find trash in the back yards in all of the neighborhoods depending on whether the person is responsible or not responsible.

Mr. Ferlo:

With all due respect to my colleague, Mr. Onorato, I think he's wrong. If you look out across the City and look at citations from Building Inspection and the effort of community groups, we find that unfortunately regardless of class, background, or income or neighborhood, there is a great difference between street to street depending on the neighborhood, depending on how many units are in the building, depending on whether or not they have a big enough container. It's not as simple as every house being a nice little residential ticky tacky box where everybody puts the garbage out right. It doesn't happen that way across the City.

It's a very real problem and I would point out that this bill only addresses 3 of either 10 or 11 holidays that the Environmental Services have off. So, this is targeting three problem days during periods of anticipated high heat and

problems with garbage.

But what I want to suggest, in light of Michelle's comment about the proposed wording on this amendment which does not lock in a specific timetable, and I think the intent here is that it should be no greater than the week that the problem exists. But it doesn't say that by way of amendment, and I believe Mr. Cohen pointed this out also.

So, I would respectfully suggest that the bill be recommitted and we finalize what the wording is and try to develop a consensus on this. So, accordingly, I'd like to make a motion to recommit Bill No. 2899.

Michelle Madoff seconded the motion.

The Chair:

Let's withdraw the motion on the amendment then.

Mr. O'Connor:

I think we should recommit it, to be honest with you because I think we have to start showing fiscal responsibility. This is \$100,000 that may be well spent and may not be, but I would like some comments from the refuse workers on how it's going to work out. I don't think anybody disagrees that we have some problems.

We're talking about the 4th of July. We won't address this until next year. We have a whole year to really address this issue. A contract is coming up. I feel there have been some pros and cons. The day after, a double shift, may cause a lot of problems with workmens' comp. I don't think anybody would like to go out and haul garbage 16 hours and I think that's wrong. There are other alternatives, possibly a Saturday.

Councilman Smith mentioned there's an extra list of men who aren't working enough. Maybe the Saturday before could work.

I think we can agree on the intention, but I would like to hear from the men and the management of Public Works who handles this and come back with how they feel it could work to benefit everyone. I just think if you hold it and work it out, everybody can be satisfied in this issue. Right now I don't want to shove something down their throat that we do not empty the trash. Like Michelle said, there are some areas that may need it a lot worse with apartments and dumpsters. We have a whole year to discuss this and I don't know why it has to be pushed through right away.

Mr. Smith:

On the motion to recommit, I would support that with the understanding that we would hold some sort of a post or invite to the table the appropriate members from both the Administration, the Department, and a representative from the union representing the workers because I think that it's very interesting that while my community had this for ten years in a row and no one had a great concern and we managed to wrap our garbage for 14 days.

I think that we must look at the ramifications to the workers in the City. \$100,000 is not the point and I think that's what everyone is making over. We're about to spend \$100,000 on a phone system. It is not the money. It is what it has done to the lifestyles of the workers and the community and we need more information.

So, I second the recommitment.

The Chair:

Let me summarize here and let's vote on

the recommitment.

Obviously, when I put the amendment on the floor, I was looking for a fifth vote here. We only had four votes and I thought maybe, based on Councilman Onorato's comments or Councilman O'Connor, that they would vote for the bill with that amendment. I don't sense that's here. I don't sense there's five votes here. And I'm willing to recommit it.

But I just want to state on the record that Mr. Turner is going to be against this legislation for three holidays for cost reasons. It's as simple as that.

We live with the problems from the citizens. They don't call Mr. Turner. They call Jack Wagner and Jim Ferlo and Bob O'Connor. And I'm tired of being called on this issue as an elected official. It's ironic that the three people here the longest are the ones that are the strongest supporters of it.

We are not throwing a curve at anyone here on this Council on this bill. Believe me. I'm not throwing a curve at anyone. And the public overwhelmingly wants to be treated fair. They want the refuse picked up. And even though it's a new Monday next year, there were 3 Mondays this year that weren't collected, and next year whoever gets Monday, it's 5 Mondays. They'll get picked up 47 times and the other people get picked up 52 times.

It is a health hazard. Councilwoman Madoff is right. There are row houses in this City. Some people do not have a front yard. Some people have very little back yard. When they go into the back yard, they sit beside their refuse can. Most people have two refuse cans. I only have two. After one week, it's outside of the refuse can. And for those three holidays in the summer, it is a health hazard. I don't care what anyone says and I'm coming back with a bill that

hopefully I can get five votes on.

We have a savings in Environmental Services of \$800,000 this year and \$3 million next year and I think it's about time we face up to the issue and deal with it. Mr. Turner is going to be against it because it costs more money. I don't blame him because that's his charge as a bureaucratic person within the Administration, to save money. But this is a people issue, it's a citizen issue. And if Council doesn't set the tone, it's never going to be set. And anyone who has been here for any time knows that.

Michelle Madoff:

The telephone for anybody listening is 255-2142. The switchboard at City Council. Ask for your favorite Councilmember and ask them if you could deliver your garbage on Labor Day, on the 4th, to the person that doesn't vote for this because everything that's ever happened in this Council has been with public support. If the public contacts the legislator and tells him to vote for it, they'll know how their community feels.

So, I just urge you, if you have a concern about it in your community, if you live in a development or wherever where you have overflowing garbage and you're concerned about it, please call in. That's 255-2142.

Mr. Onorato:

On the recommitment. I was going to stay quiet but, I mean, I respect your opinion and I respect Michelle's, but I handle over 1,500 calls. They know my number and I recommend anyone on the North Side to call me directly with this problem.

I know what a Monday problem is like; I've lived with it and I'll deal with my constituents also.

But I'll also make it clear to my constituents on the North Side that we have a savings of \$900,000. The question is how we're going to spend it. If you give me two beat officers, I'll put them on California Avenue, Perrysville Avenue, Federal Street any day, and I'll keep it 14 days in my back yard.

If the question is, how are we going to spend it, we're going to be fiscally responsible. Not that I'm afraid to spend money. Of course we're going to spend money. I'm saying I want the officers to fight the crime and I'll keep the 14 days for twice, maybe three times every three years, and then rotating it and then somebody else can share the burden. That's all I'm saying.

Michelle Madoff:

I think the public should have a chance to be heard. I'm just suggesting that they call in and tell their Councilmember how they feel about it. 255-2142.

The Chair:

All in favor of the recommitment? Opposed?

WHICH MOTION PREVAILED.

Also,

Bill No. 2899

An Ordinance entitled, "An Ordinance amending and supplementing the Pittsburgh Code, Title Six - Conduct, Article I - Regulated Rights and Actions, Chapter 619 - Refuse Collection and Recycling, by deleting 'Department of Environmental Services' and inserting 'Department of Public Works' throughout Chapter 619 in its entirety and by supplementing Section 619.02 Municipal Waste to be Collected by City, by providing for refuse pickup after

certain holidays."

---(SPONSORED BY MR. WAGNER)

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Ferlo	Mr. Ricciardi
Michelle Madoff	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8

NOES 1

(MR. DARKINS VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Ferlo presented

Bill No. 2954

Report of the Committee on Planning, Housing and Development for July 21, 1993 transmitting one ordinance and sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2659

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Brusue Associates, Inc. for the sale of Parcels 5 and 6 in the 25th Ward of the City of Pittsburgh in Redevelopment Area No. 49 (COMMERCIAL CONSTRUCTION)."

Which was read.

Also,

Bill No. 2660

A Resolution entitled, "Resolution approving the Pennsylvania/Brighton Redevelopment Proposal dated March, 1993, including Modification No. 1, to the Redevelopment Area Plan, for Redevelopment Activities in a portion of Redevelopment Area No. 49, Pennsylvania/Kirkbride, in portions of the 22nd and 25th Wards of the City of Pittsburgh."

Which was read.

Also,

Bill No. 2699

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article III, Chapter 921, Section 921.02, Zoning District Map No. 6, by changing from 'M2' Limited Industrial District to 'C3' Commercial District all that certain property bounded by: Pennsylvania Avenue, Brighton Place, the northerly boundary line of Lots Numbered 2 and 1 in the Pennsylvania-Brighton Plan of Lots as approved by the Planning Commission on April 13, 1993, and the 'C3' Zoning District Boundary line located west of Brighton Road, 22nd Ward."

Which was read.

Mr. Smith:

I'd like to thank my fellow colleagues for their support in Committee on Bills 2659, 2660 and 2699 which are inside my district which is the beginning of what I perceive as a change in the district of the development of an economic corridor that will not only serve the residents of District 6 but because it is a main thoroughfare of going through the North Side that it will also service those in Mr. Onorato's district who must travel through there on their way home and hopefully will stop some of the suburbanites on their way back out of the City, encourage them to spend their money in a new economic corridor. So, thank you very much for your support.

Also,

Bill No. 2915

A Resolution entitled, "Resolution whereas the Economic Development Administration can provide substantial support for job creation, infrastructure and project development.

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Ferlo	Mr. Ricciardi
Michelle Madoff	Mr. Smith

Mr. O'Connor

Mr. Wagner
(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Onorato presented

Bill No. 2955

Report of the Committee on Public Safety for July 21, 1993 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2894

A Resolution entitled, "Resolution authorizing and directing the Director, Department of Public Safety, in consultation with the Chief of the Bureau of Police and the Chief of the Bureau of Building Inspection, to submit to City Council, no later than September 15, 1993 a "NUISANCE PROPERTY MASTER LIST."
---(SPONSORED BY MR. FERLO)
(AS AMENDED IN COMMITTEE)

Which was read.

Mr. Ferlo:

On Bill 2894 regarding the Nuisance Property Master List, this is meant to be not only an action plan but an action process. There were two suggestions made regarding amendments to the final bill that we have before us, one by Councilman Smith, and I'd like to offer the amendments. That is, to change the wording in the first section under Nuisance Property.

Clearly, there was ambiguous language. A phrase was used "where drugs are ascertained to be a problem at a nuisance property". The suggestion from Councilman Smith, and the wording, is to underline "documented" by the Department of Public Safety. So we're not engaging anything ambiguous here. We want it explicitly recognized by police and/or Public Safety officials that drugs are a problem in a nuisance property. That's one amendment.

The second is an amendment offered by Councilman O'Connor. He's suggesting that after adopting this and getting an initial report that we also require that it be updated and provided to Council on a quarterly basis. So, the second amendment listed in Section 3 is as underlined, "and thereafter to provide updates of said list to Council on a quarterly basis".

So, I would like to make a motion to approve those two amendments to the bill.

Mr. Smith seconded the motion.

Mr. Cohen:

Briefly, I support both amendments. I think they're both excellent amendments, the first one really being a civil liberties amendment. Councilman Smith raised a very good point last week about the earlier language and I think that saying "documented" is a much more concrete way of doing it. And the updates just make a lot of sense so we'll know periodically what these nuisance properties are. And finally to congratulate Councilman Ferlo for putting forward this important bill.

Mr. Smith:

I want to thank Councilman Ferlo for sitting down with me and hammering out what I believe is a fair and just methodology of

implementing this particular piece of legislation. And I think that what we have done by changing the wording is protected our own heiny from any individuals who file suit since it upsets several of my colleagues when we settle suits out of court. And I think that it is a positive step in solving the problems that face the average citizens in our residential communities.

The Chair:

Any further discussion on the amendments? All in favor? Opposed?

WHICH MOTION PREVAILED.

Michelle Madoff:

On the bill as amended.

I apologize for taking a little vacation and I still am tired and may take a little more. I just want to prepare everybody.

I'm sorry I didn't get a chance to catch up on this bill. This Nuisance Property Master List, would it include the public housing?

Mr. Ferlo:

Yes.

Michelle Madoff:

Good. But it will also address the issue of documenting everywhere. And I think that's very well pointed out.

Mr. Smith:

Otherwise, Michelle, the bill could be used against your household. Someone could just call because they don't like you.

Michelle Madoff:

You're absolutely right.

Was this a first step in trying to resolve the issues, the major story in the paper this week on the slum housing of the City? That was my question.

Mr. Ferlo:

The bill preceded the lengthy article but I would hope that it would be productive in light of Mr. Bull's article.

Michelle Madoff:

I thought there was something interesting in today's paper that I would just like to point out, and it may or may not be appropriate to address at this moment. But I'd like to throw it on the table. It's just one paragraph.

"Transfer current City tenant to the federally financed Public Housing Authority which is better equipped to be a landlord because that's its job. Opening exists in some subsidized housing units. David Washington, the Authority Executive Director said, 'The Authority also would be interested in taking possession of occupied City property to replace rental properties it hopes to sell to its tenants.'"

I've long maintained that people take care of their own properties more than they do in rentals and I don't think you would have as many nuisance properties if we do that.

The problem cannot be piecemealed. It's really one major problem. We have problems in this City, not only with people who own properties, these absentee slum landlords who allow their vacant properties to be drug havens. We have no authority and we need to get some state law that will allow us to do something about

some of these properties. But I think it's part of the bigger picture.

Mr. Ferlo:

I just want to clarify. The impetus for this bill happened to be a battle that I engaged in recently that involved a property on Leech Street where it was clear that rather than just engage in one battle I wanted to have a better assessment regarding crack houses and/or nuisance properties, be they City owned or, God forbid, in the hands of the Housing Authority which I'm a board member or, or be privately owned. So this is to be more of an action plan and sort of an assessment to Council on what we need to do. So, I'd stipulate very specifically the information that we're requesting and it sets up a procedure for a specialized task force to meet regarding a targeted effort. The Leech Street battle was a very frustrating experience, not only for me but more importantly for the residents and the community folks and the Block Watch Committee in Lawrenceville, and I just didn't want to see that continue in a haphazard fashion.

So that was basically the effort, and this bill grew out of that battle and the need to engage in a battle but in a more systemized way with all of the resources employed by City government.

Michelle Madoff:

I think this is an excellent first step and I think you should be commended for what you attempted to do, Mr. Ferlo. What you did was in good faith. You went out to try and work with the community and remove a problem situation which, obviously, was not just your opinion but that of many people that observed what was happening in that property. This would give you some legal standing and I think it's an excellent bill as opposed to the kind of slander that we get from our hit man, Mr. Hayllar, who just mouths off. You make sure you have your facts right and

I'm just really trying to be supportive of what you try to do. It was not just being a hit man and mouthing off. You really cared about your community and you were just not trying to ingratiate yourself and I think you're to be commended.

Also,

Bill No. 2900

A Resolution entitled, "Resolution authorizing and directing the Department of Public Safety, Bureau of Police, on behalf of the City of Pittsburgh, to allot \$12.00 per day to each uniformed Canine Police Officer whose duty it is to provide care and shelter to police canines."

---(SPONSORED BY MR. WAGNER)
(AS AMENDE IN COMMITTEE)

Which was read.

The Chair:

I'd like my comments brought forward for the record on the increase of the K-9 fees from \$8.00 to \$12.00 and also state that Director DiNardo supports this increase and so does the President of the F.O.P., Mr. McNamara.

The real problem here that I believe is being addressed is that we will get more police officers to volunteer to want to have K-9's. The amount they get now annually really is not sufficient to take care of the dog and inconvenience associated with it. I believe the increase will help to address that.

If the bill passes, I would ask Mr. Perry to put a letter together to be sent to all zones and all Commanders indicating that effective September 1st of this year the allocation for officers having K-9's will increase from \$8.00 to \$12.00 a day, hopefully creating an incentive for more officers to want K-9's, which truly can and will address, I

believe, a problem that exists throughout the City of Pittsburgh. A K-9 is a heck of a lot cheaper than a police officer and is a great back up to a police officer and can be a very effective tool in terms of fighting crime.

(REMARKS ON FOLLOWING PAGES)

(MR. WAGNER'S COMMENTS ON BILL NO. 2900 - Wednesday, 7/21/93)

Mr. Wagner:

Mr. Chairman, members of Council, I would hope that Council is a strong believer in the use of canines, because if Council members are not, I don't think they will support this legislation.

We have the Director here, we even have the head of the FOP, Mr. McNamara, here. I don't know if either are here to speak in regard to this bill, but let me simply state my opinion here.

I have always been a strong believer in the effectiveness of canines, and I have promoted that this city, this Administration and previous Administrations have more canines. We as Council cannot legislate the number of canines the Administration has, all we can do is create in the budget a budgetary incentive to have canines. We have allocated sufficient moneys to pay officers to have canines in the past. As a matter of fact, in 1992 and 1991 we did not spend the number of dollars allocated for canines. I think we have a problem, first and foremost, that we don't have a sufficient number of canines.

Director, correct me if I am wrong, I believe we have 28 within the Bureau today?

Mr. DiNardo:

Twenty-eight and three in the process, so we will be at 31 soon.

Mr. Wagner:

I really believe that we need to double that number, particularly with the crime being such an important issue today. A canine dog and a police officer work as a tremendous deterrent to crime and a safety factor in many neighborhoods throughout the City of Pittsburgh. It is not and has never been suggested that canines be used where there are high volumes of people, because there are liabilities associated with it. I know the Administration is talking about the use of police on horses in Downtown Pittsburgh. The cost of that will be significant, probably somewhere in the tune of a quarter of a million dollars. What I am suggesting here today is to increase the incentive for a police officer to have a canine. It is presently \$8.00 a day, that comes out to about \$3,000.00 a year. I believe it is not enough, it should be higher. This legislation is proposing that it be \$12.00 a day; that would be approximately \$4,400.00 per year. In doing so, I believe more police officers would want canines and we would create more of an incentive on the street for a safer environment with beat police officers and canines. Due to the fact that we have more

police officers today, that Council and the Administration working together to put more police officers on the street, more community oriented police officers, more beat police officers in neighborhoods, I think there is a real need for canines with officers in certain locations. Just as an example, recently, Director, you have put a canine on Grandview Avenue in the evening. I believe it has been very effective. Councilwoman Madoff has complained about Grandview Avenue for weeks, months and years. I think canines are effective. When I was a kid growing up in this town, we had a lot of canines, I don't know how many, but it was a tremendous deterrent to crime then and I still think it is today. As a matter of fact, just this past week a canine was very helpful I believe in a burglary in the 31st Ward, Councilman O'Connor's district, and 28 or 30 canines is simply not enough. When you break it up into zones in the specialized use for narcotics and other areas, there simply isn't enough to go around for them to be effective. Therefore, the reason for this incentive.

Director, I would be happy to hear your opinion in regard to it and whether or not it would help more officers want to have a dog.

Mr. DiNardo:

Thank you, Councilman. We through the budget years that I have been involved with Public Safety have proposed a variety of numbers of canine officers, probably somewhere around 50 when I first started, backed that down to 45 when we couldn't get enough volunteers for it. Now currently the budget strength is 40. We have changed the daily subsistence from 3 to 6 to \$8.00. We even built an incentive in that if we reached our authorized strength, the officers then would move to another level of daily subsistence.

I have no objection to this. I would like to get to our authorized number of 40 and then ask the Police Bureau to evaluate the situation and see if there is a need for more. If so, then we would proceed through the budget process next year to come up with more.

As you know, it is a voluntary program. It is a significant issue for an individual to take an animal in like this and maintain it throughout the year. But once again, if this gets us moving -- we have been hovering around this 30 number for the last two years, I believe -- if this gets us where we want to be at 40, I think it is fair to say we will re-evaluate it then and see if that is the right number and take it up another notch if appropriate. If this works, certainly we will be delighted with it.

I think it is very important to state it and state it again that we have to be very careful about how we use canines and where we use them. Residential neighborhoods, some special situations is certainly very appropriate. Downtown is a problem area, special events can be problems for us because of the

nature of the animal. So that deployment has to be carefully constructed. But I believe we can do that.

We have been fortunate here that we have had some bites, but not an over abundance of them. So we are in support of this and we will carry it out as soon as the legislation is passed.

Mr. Wagner:

If I may, I would just add if the legislation passes, it would be effective in September of this year.

I just want to add that it really isn't a lot of money for a police officer to care for a dog and their family 365 days a year, \$3,000.00. The police officer has to create a home for the dog, has to feed the dog, care for the dog, and we do not under the present allotment have a sufficient incentive in the budget and legislatively today.

I increased this several years ago when I think it was ridiculously low. I think time has caught up with us.

Just one last comment, Mr. Chairman. There is not a criminal that can outrun a dog. Criminals can outrun human beings. For that reason, a canine is a tremendous deterrent to crime. Convenience store robberies in neighborhoods where a beat police officer may have a canine and a potential robber, burglar, whatever, sees a canine, there is a message sent about the potential of getting away with that crime, whether it be purse snatching or whatever. Therefore, I am a strong proponent of this element of safety injected into the Police Bureau.

I know, Director, you are attempting to get more canines and I am hopeful that through your voluntary programs more officers, especially new officers coming on board, will want to have canines with this incentive in the budget.

Mr. DiNardo:

We will have a real good idea by the time we get to budget time. In my experience, we have never had a waiting list for officers that wanted to become canine officers. So if this incentive works, we will have a real good idea of that by the time we are ready to come to Council with the '94 budget and make the appropriate changes.

(End of remarks.)

(Transcribed by Helen L. Kriebel, Stenotype Reporter)

Michelle Madoff:

I think it's an excellent bill. I would just like to question whether the next step would be what I had suggested at budget time last year which is to create a K-9 corps. I think we need to have a separate K-9 corps and even pay more than this if we have to. Whatever it takes to do it right because all this Mickey Mouse talk about saving money, \$100,000 here, \$25,000 on the budget, or \$8.00 or \$12.00 a day, whatever it's going to be, is nonsense. When you look at all the sources of revenue that have not been projected yet or a bill on licensing of businesses that we've talked about or going to competitive bids instead of negotiated which deals in millions of dollars that potentially could be saved. We don't know because we never go to competitive.

We need to give people services. They're voting with their feet and moving to the suburbs. And one of the best and cheapest ways, if you want to talk about saving money, is certainly to have a K-9 corps to provide an incentive to have more police officers indeed be willing to keep a K-9 in the house.

It's an excellent bill and I hope you'll take the next step before we both leave here, and that would be to create a K-9 corps.

Mr. Ferlo:

Mr. Wagner, I just want to thank you for introducing this bill. I've long supported your efforts of making more important the presence of K-9 patrol and officers and the support that they need. So, I do support this bill.

Part of the discussion I thought was interesting because we began to talk about other incentives that might be available, and I would ask pursuant to adopting this bill that we send back a letter to Public Safety asking them, and/or to the F.O.P. if they could do sort of an inventory

of other cities and see what other kinds of incentives besides the daily allowance the bureau provides to officers.

One part of the discussion dealt with, and I never thought about this because I don't happen to own a dog, when a family is away, when an officer is away on vacation, there is an implication that usually the officer has to house that dog at maybe an animal clinic or some kind of a dog day care, whatever you call those places. Dog hotels.

That may be an area where we could look at possibly whether or not there might be some other incentive where we can at least provide some per diem per dog in a situation where an officer is out on yearly vacation time. And there may be others but I think we need to look at that issue because I personally don't like the notion of the horsed Downtown. I really do like limited use and appropriate use of police officers with K-9 dogs as opposed to the horses. And I just think we need to think about this. And since we're going into an annual budget deliberation, I hope maybe we can provide some of this information by the end of the year.

The Chair:

Could we then request, Mr. Perry, from Public Safety that they analyze other cities and what they have in terms of the K-9 programs, hotels, when the police officers are off --

Mr. Ferlo:

I'm just talking about helping financially the burden on the officer.

The Chair:

You're right. They mentioned about having vehicles assigned to those people, permanently assigned to the officer.

Mr. Onorato:

Mr. President, I just want to congratulate you on an excellent piece of legislation. As I stated on a previous bill, I think this is money well spent. With the increase in the police officers that we have now, the 200 individuals, and I think everyone can say they notice the increase in beat officers in their neighborhood, that now we can actually talk about K-9 forces and new individuals that might step forward and say, "I'd like to do that."

I would just like to add to Councilman Ferlo's request that when you're comparing other cities, maybe we should also compare not just the K-9's but how they utilize the bikes. A lot of cities are now moving to bikes in the urban areas because it's easier to get around the downtown areas, in addition to the horse idea.

There's a lot of different ways to get the police officers around. Some are on motor scooters, some are on peddle bikes, some have the K-9's. I think it's a great idea, especially now that we have the manpower to do it.

The Chair:

Is there any further discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Michelle Madoff	Mr. Wagner

Mr. O'Connor

(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

Mr. Cohen:

Mr. President, Michelle already referenced this subject and I suspect that other people will want to talk about it too, and that is the thoroughly researched and in-depth report by the Post Gazette, particularly John Bull, on the City's ownership and management of tax forfeited properties.

Several problems were pointed out in that series, one being that the City owns too many of these properties. In the report, it said 9,843 of which 1,381 actually have buildings on them, and we're getting more and more every year. Many of them are very poorly maintained and in bad condition. Many of them have tenants in them who live in conditions that are not habitable, and often we don't know who those tenants are and don't collect rent. Some of these properties are not only physically in bad condition but also are havens for drug addicts.

The City also seems to operate under a double standard in the sense that it doesn't enforce its own laws against itself when it comes to management of properties.

I think we all agree that it's a serious problem that has to be corrected for safety, efficiency and fiscal reasons. But, as usual, the solutions are much more difficult to identify than the problem. I think we probably all agree that the City owns too many tax forfeited properties, that we don't turn them over quickly enough or

efficiently to private owners, and that we don't maintain them well while we do own them.

There are many possible courses of action, some of which were laid out I thought quite well this morning in the last article in the Post Gazette. We can change law and policy so that the City doesn't foreclose on property as aggressively as it does now. It was pointed out that Philadelphia which has four times as many people as the City of Pittsburgh has 20 percent fewer forfeited properties because they only take properties they want to use for community development projects.

I don't frankly know whether they have a better system than we do but we at least should study it. Or perhaps we should offer incentives to private buyers, like Minneapolis does, which offers interest-free loans to buyers of tax delinquent properties. More importantly, we have to work out a strategy for the properties we do have, including making them safe and habitable and getting them back into private hands more quickly:

Another suggestion that was in the paper this morning was to form a housing SWAT team to actually visit each newly obtained property and decide there on the spot whether or not to demolish that property or to market it.

I guess, frankly, from my point of view, we have to decide as a City how much money we want to devote to this problem. That's really one of the things that this whole issue comes down to. It's a complex problem, a huge issue which we're not going to solve today, but I think we need to take the first step.

My suggestion is that we do convene a post agenda meeting. I think this is one of those issues where a post agenda really is the proper way to go because there are so many complex issues and so many areas. We should certainly

have all the appropriate people there: Finance Director, Ben Hayllar; the Chief of BBI, Dom Cimino; the Head of Public Safety, Lou DiNardo; the Head of the URA, Mulugetta Birru; representatives from NeighborFair; community development organizations and neighborhood groups, to try to work out a new policy to be able to solve this very large problem.

Mr. Ferlo:

First of all, I'd like Mr. Craig to know that he hasn't gotten a dollar out of me on a Sunday for a long time because I usually don't buy the Pittsburgh Post Gazette. I buy the Washington Post and New York Times because I think the Press should give me a dollar for getting their K-Mart adds and all that. But I must admit I actually did buy a paper and I want to thank Mr. Bull and his associates at the Press because I thought they did a really excellent job on a complicated issue.

I appreciate the fact that they did not make light of the whole issue. It's a complicated issue, it's a many sided issue, as Mr. Cohen talked about. I think not only as Council but I think the public does appreciate the article and the work of these reporters because I think they did a really great job on a difficult issue.

I learned a lot from the articles about even the operations of the Finance Department as it involves managing City properties, or not managing, depending on your view.

Hopefully, the bill that we approved today, the Nuisance Property Master List, is a step in the right direction. It addresses part of the problem, and obviously a small part.

Mr. Wagner also has a bill, I believe it's up tomorrow, regarding the notion of actually hiring a management firm regarding the properties. I think that's the intent of your bill and I think that's going to provide an opportunity to

really, as well as the articles that were just written, I think we're really going to be able to zero in this week alone on some of the issues that are addressed in the article.

I wholeheartedly support the post agenda. I think we should make an effort also at getting the Housing Authority Director here.

But, ultimately, I think we need a change of Administrations. That's going to happen. And I think there's going to be some different views and different abilities in place after January regarding the problem. But I look forward to the post agenda and I would like to provide a list of some key people who should also be invited.

The Chair:

So we are going to have a post agenda initiated by --

Mr. Cohen:

I'll make a motion for that second, if Council goes along with it.

The Chair:

Okay, so we have a motion and a second.

Michelle Madoff:

You know, it's very interesting, as I spend my swan days here getting ready to leave this esteemed body, it is interesting for those of us who have been here a while to see that there is really nothing new. It's the same thing, the same issues being recycled.

Mike, in the years that you've been here, off the top of your head, how often have we talked about the abandoned properties, the properties that we rent to people in poor condition, the fact that people don't have the

ability to take care of them and we don't train them how to do it. If you don't give them a sense of ownership, they don't have the concern that they would have if they owned it as opposed to renting. Remember almost the first bill 15 years ago that I raised the issue when we had people squatting and I wanted the squatters to have a chance at sweat equity so they could buy the properties and I was damned in the newspapers and damned by the Administration, it was the Caliguiri Administration at the time.

I think when we have this post agenda and we recycle all the issues again, we ought to perhaps look at the old Minutes and the old statements to see what was already done because, with all due respect, Mr. Cohen, I certainly support having a post agenda, but it is another post agenda. It is another piece of legislation or suggestion that we circulate and the Administration says they're going to do it and then nothing happens. I think this Council has to really pinpoint, as you've done today in what you've wrote up and really make it happen.

For example, let's talk about having a qualified person running the finance end of the City. Get somebody other than Mr. Hayllar. Obviously he won't be here anyway but somebody with some qualifications. We need somebody to look at sweat equity situations, whether people have an opportunity to buy. Maybe developers come in without any money. Give them the opportunity to put the properties back on the tax rolls and provide housing.

The big issue that has come up over and over again needs to be looked at. I wrote a report on it and a study just about 14-1/2 years ago and I did it with the head of the Real Estate Division, the attorney, I can't remember his name at the moment. And that is the fact that this City is so lax in getting the properties out for sale. Initially we had problems in state law that said we can't do it for a year. We cut that back, reclaiming the

property, back to six months and I think it's even shorter now. But the most important thing is if you've got a piece of property and somebody gives it back to the City or we take it, and that property is cannibalized, the copper, the sinks, anything that is of any value to anybody, they even take up the floors and use the wood, when it's no longer able to be rehabilitated, that's when we put it up for sale. We need to have a responsible person who understands this to head that program. That's what it's all about.

The Chair:

In discussing this issue, why don't we maybe summarize. And if there's any requests for the post agenda, let's lead towards the post agenda.

Mr. Onorato:

The post agenda request is a good idea but I recommend to Councilman Cohen, and I'll work with him, but I have been meeting with these individuals for the last year. You might recall that this problem has just been growing and growing and growing.

We had a problem property task force established probably six or seven months ago. We were meeting on a monthly basis. We had every department head that had anything to do with problem properties. Water, BBI, Cimino was there, Hayllar, Perkins, they were all there in the room. What we would do was pick out the properties. Some of them were City owned and some were privately owned, but we would build a case against these individuals and where the problem properties were. So, we'll bring this back to the post agenda. That's fine.

In addition, this isn't a new problem. I commend Mr. Bull for his article. It's a good article. I just think that it brought more attention to it. I think it was last year we dealt with

legislation where I introduced, and it passed unanimously, dealing with the City and the City will not sell any City-owned property to individuals that are already delinquent on several other properties. They were creating this blight for property that we owned, and we were selling just to sell. There's a lot of issues involved here.

What the article did point out are two fundamental issues that we have to deal with. Just two. One, should we take the property? And two, should we lease the properties? Well, I, for one, can already answer question No. 2. I don't think there's any situation where we should be a landlord, the City of Pittsburgh. If we take a property because it's in violation of so many codes, it's uninhabitable for anyone, we should not continue to rent it just to secure the building. If it's uninhabitable, it's uninhabitable. I don't care who owns it. If we take the property and there's people in there, then we have to deal with that issue. We should give the proper notices, we should work with the individuals, and put them in the direction of the agencies that are out there.

The City cannot cure all the social ills and we definitely cannot be a landlord if we can't put the money up to make the houses habitable. That's the issue here. And we can't do it. We don't have that kind of money.

I think we should take property because right now what's happening is the property is becoming a blight anyway. I think the worst thing to do is to let the property sit in limbo where we don't take it and the private property owner leaves. So, we have to take the property, we have to stop leasing, take care of the people in there and move them to the proper agencies where they should go. It might be a six month process; we don't want to just kick people out in the street. But we don't want to leave them in there and also rent a building where we are facing a major liability if someone gets hurt in one of these properties that we own.

So, what I recommend at the post agenda is that we bring everyone that is participating in these post agendas, and I know I have talked to Sue Ruffner on a few of these issues, bring them all to the table and address those two issues. One, we'll continue to take it. And two, how do we handle the lease arrangements when there's people in there and eliminating the tenants. That's the big issue, being sensitive to the individuals in there.

I would hope that we could deal with that issue because right now, if you notice throughout the article, the one thing that I think every city had in common, I don't remember anyone leasing. Everyone had a different way of handling the properties but no one was a landlord. No City was a landlord. And that's where we have our problem. We're open to major liability and we have to solve that problem.

Mr. Ricciardi:

I found the article writing by John Bull and his associates in the Pittsburgh Press very enlightening on the details of the problem itself, and really the Pittsburgh Post Gazette has done service to the City of Pittsburgh. But, as Mr. Onorato has pointed out, it was no secret and, being the owners of last resort, we knew the type of problems we were dealing with.

I think we have been addressing the problems and I think the Administration has been in terms of demolition, boarding up and selling the homes. It goes back to what speed have we been addressing the problem and then it goes back to what Mr. Cohen has stated of how much resources did we want to put towards the problem.

I think it's important to point out, though, that we have made some strides. In a New York Times article dated Sunday, July 11, 1993, it did

state that city promoting home auctions, and I'll just take this moment to read a few sentences, "The City of Pittsburgh has used an aggressive advertising campaign and a special mortgage program for low income families to help return City-owned houses to the tax rolls."

Then the article proceeds to talk about the three different auctions that we have. It continues to proceed, "The auctions held in the spring, summer and fall, have resulted in the City more than doubling its house sales within two years. In 1990 before the auctions, it sold 65 structures. In 1991, sales increased to 96, and last year they reached 145, according to the City of Pittsburgh."

The article then proceeds to do research and it states, "In 1991 and 1992, 100 houses were sold at auction for a total of \$768,000, putting these homes back on the tax rolls."

Just in ending, I just want to say, Mr. Wagner, that I'm looking forward to the post agenda, but we have to recognize that we have been moving in a positive fashion concerning all the properties we have inherited, including not only inheriting properties but inheriting tenants. The question is, do you want to put people out on the street right away. I think the answer is no. Do we have to work with the Housing Authority in terms of emergency housing and other agencies, as Mr. Onorato has stated? I think the answer is yes.

But I just don't want the public to feel as though we have not addressed this issue because I believe we have. As a matter of fact, I have worked with our BBI inspector. In the last year in my district alone we have demolished 75 homes that were unfit for people to take over and that were really a problem blight on the neighborhood. So I just want to make sure that gets out, that we have been moving in a positive fashion. The question goes back to how much resources do we want to put towards the problem

in terms of money.

Mr. Cohen:

Mr. President, very briefly. First of all, I hope I didn't imply that things aren't being done on this because they are. And virtually every member of Council here has introduced legislation to try to help resolve this problem.

Secondly, in response to Mr. Onorato's comment, I agree with him that we, the City, should not be in the position of a landlord. The problem is, we are. And we have 9,843 properties of which 1,381 have buildings on them. So, saying that is a little bit like saying that the federal government should not have a deficit. Well, we all agree with that but the fact is, we've got a multi, multi billion dollar deficit and we have to do something about it.

So, I think the problem is not that easy and the complexity comes in. How do we get rid of these properties back into private hands in a compassionate way? I think that that post agenda will at least be a step, another step, towards doing that. And I hope that we come out of the post agenda with a real plan of action in terms of legislation and administrative policy.

The Chair:

I would like to add my two cents for the post agenda. I want someone from the private sector here. I want a real estate company, a Howard Hanna agent, or someone of that nature, or several people of that kind.

The one glaring item in this whole analysis is that there are bigger cities in this country with far lesser properties under their control. That jumps out at you and strikes you in the face. And it tells you that this City is structurally doing something wrong. And what I believe that is is simply taking it over and trying

to be a real estate company itself when, in fact, we do not have the expertise to be a real estate company. Therefore, we have experts out there in that field and we should solicit their help in the process and pay them. And, in doing so, it would benefit the residents of this City.

I have a bill that comes up tomorrow, as Councilman Ferlo indicated. I don't necessarily care if that bill is acted on tomorrow. If it can be modified and improved by all of you, by the Administration, by the private sector, I would like to see that happen. But this City is incapable in the past, today and in the future of being a real estate company. We need help and it's about time we ask for help.

Mr. Onorato:

That's an excellent suggestion, Mr. President. And I might just offer that the list that you invite, NeighborFair, they're training realtors right now to sell within the City. And I think those individuals should have the first shot since they're already committed to trying to sell within the City. And they're privately owned. That's a good suggestion.

The other point I just want to make, it was pretty interesting in the suggestion in the paper. The one was to hire more attorneys. If you recall, last December in the budget I put in an amendment of a problem property solicitor. It was never filled. It goes directly to this issue. If we have attorneys that they're only responsibility is to go after these properties, it would help collect the taxes, the water bills, and that was one of the main suggestions in here. So, we've already made some of these moves but they haven't been acted on.

I just want to clarify something because I don't want to give the people in the City of Pittsburgh the wrong impression. There are, as Councilman Cohen said, over 9,000 pieces of

property, 1,300 buildings. There are only 85 leases. So, I don't want it to appear that we're renting 1,300 properties. We're leasing 85 locations.

Michelle Madoff:

I think you're right on the button. Invite HUD as well. And invite, Mike, help me, who is the gentleman I did that study with from the Real Estate Division? Rege Valaw. He is the greatest expert on selling abandoned property. Get Rege Valaw. I'll dig out my study and make copies for everybody because it really addresses the whole issue.

You need to address the issue of sweat equity and getting the properties on the market before they're cannibalized. Those are the major issues. Get HUD in. Get some money from HUD to set up an efficient organization.

One last thing, Jack, if I may. Finally, the City did hire a realtor to sell the properties. But what good is it if you hire experts and you don't listen to them? It doesn't mean anything. The buzzword here or the bottom line is, they haven't been acted on. Isn't that what you said, Mr. Onorato? They haven't been acted on. So you just can't have a wish list and you can't say to the Administration, "Well, I'm glad you agree and I know you're going to do it now." Put it in cement. Put it in concrete. Write it, Dan.

Mr. Smith:

Since we appear to have had the post agenda here, just quickly it is my district that has the greatest number. We must be careful because the City has created more gaps in District 6 by rushing in and tearing down homes. I can actually point to a lady who was a renter of the City. It took her 16 months to save the money to purchase the property, and annually she does one project on her home in fixing it up. Had we

followed the procedure that everyone else wanted, that home probably would be another vacant lot filled with weeds.

So, we must weigh carefully 85 leases out of 1,300. It does not make us a major slum landlord in the City, and we must weigh this out as to what we do with neighborhoods as we make these decisions. There are problems that occur, and I don't think people are paying close attention. When we get a piece of property it is because the market does not want that piece of property. Otherwise, people bid on properties every quarter. So, I think that we need to be careful in the decisions that we come up with in how we affect neighborhoods.

I am all for the post agenda. Please call for the vote on the post agenda.

The Chair:

Thank you, Councilman Smith. Great idea.

All in favor of the motion? Opposed?

WHICH MOTION PREVAILED.

Mr. Ferlo:

Very briefly, Mr. Chairman, I'm very concerned about what's going on at the Parking Authority. The appearance is that Mr. Frank and the Mayor are rewarding their friends on the way out the door in terms of the contracts that are being let out.

I personally feel that the Administration at the Parking Authority should not be letting out these bids and entering into contract for the remainder of the year. I think there are a lot of issues that need to be looked at regarding the operation of the Parking Authority and specifically the garages, especially those in the

Downtown area.

I would strongly suggest that we send a letter to the Parking Authority asking them to delay any notion of entering into contract, that the contracts should remain in place and that the next Administration, whoever that Administration be, be it the Darkins Administration, the Murphy Administration, or a Matta Administration, engage in this discussion.

The reason why I'm concerned, setting aside my own view about what's going on with Mr. Frank in particular, my concern is that, and it goes back to when Mr. Onorato talked at length a week ago in the debate about the Highland Park Zoo and other public amenities and this discussion that we had a week ago about privatization activities within City government. I was not aware of it, but my understanding is, and I would like this verified from the Administration as part of my request in this memo, my understanding is that an insurance firm, an investment corporation, expressed an interest in purchasing one of the major parking lots in the Downtown for a significant amount of money. I would like to know whether or not that's true and I would like it verified.

The reason why I would like this memo sent to the Parking Authority now and to the Mayor is that I think they should immediately cease and desist, not take any action on contracts. But, more importantly, I think we need to explore this issue of private operation and ownership, ownership I'm talking about, of some of the major parking authorities. Part of my request is that we find out what the existing debt service is of the Parking Authority.

So, I know it's a little bit of a convoluted motion. It's several parts. One is that we send a memo to the Board and to the Mayor, asking them not to initiate these contracts, but to hold off until the next Administration. And two, that we

ask what the outstanding debt service is of the Parking Authority on construction. And three, that we request whether or not there's any validity to this rumor, let's put it that way, of a major investment firm seeking to purchase one or more of the Parking Authority garages. So, that's the general gist of my request.

Mr. Ricciardi seconded the motion.

The Chair:

Let me just add my two cents to it. In a recent campaign, I won't say which, I spoke a whole lot about actually selling our parking garages and putting them back on the tax rolls, paying off the debt, and seeing what the market holds in terms of their worth.

So, I agree with that aspect of your motion. I think it's very important that that be considered by this Council, this Administration, the next Council, the next Administration, or whatever. We have to deal with government today and I would like to know more about the bids that went out, and any detailed information associated with it. There is a lot of controversy associated with that issue and I think this Council should be apprised of that issue prior to any action taken by the Public Parking Authority.

Mr. Ferlo:

I think you raised a good point, Mr. President. I'd like to ask, with your permission, that a fourth request be that they forward to us a copy of the bids. I'm still unclear, and I had a call in to the Parking Authority and, believe it or not, they have one of those weird phones now that answers with a recording and they refer you to the receptionist and the receptionist got on and that was a recording. So I never got anywhere this morning trying to find out my question. I wanted to find out the bid information as to whether or not it was a purely competitive bid pursuant to the

State Competitive Bidding Law, or was it a so-called competitive bid based on the Professional Services Contract, and we now know what a joke that is.

So I would like that to be part of the information, the actual bid information.

The Chair:

And all the garages and/or parking lots that were involved.

Mr. Ferlo:

Yes.

Mr. Smith:

I would like to request that we have the legal statement about the bonds that the Authority floats. I believe that we are ultimately responsible for them. The list of long term and short term leases that are presently in place, and who they're with when their expiration will occur, because I think that it's very important that we review, especially under the circumstances, where we are presently with all of the properties that are under their control and that we are ultimately fiscally responsible for.

Mr. Ferlo:

I'd like that to be part of the request for information.

The Chair:

All in favor? Opposed?

WHICH MOTION PREVAILED.

Mr. Onorato:

This will be brief-too. This regards the

swimming pools and the concerns about the safety of the swimming pools.

I talked to Councilman O'Connor and he's well aware of it and he's been working on it. But it came to a head last week. I had a Public Safety meeting up in Troy Hill in my district and they were talking about their pools, so this could be applied City-wide.

I've already talked to Public Safety Director, Lou DiNardo, about telling each Zone Commander if they get a call from 911 from a head lifeguard, to make that a high priority call, to immediately go to the pools as opposed to judging on what the call says. If the head lifeguard calls, that we should get out there because there was concern that the response to the pools was slow. And I think for the summer months, with the activities we've seen in the summer school program with the School Board that we should give high priorities. He agreed and he said that they will do that.

The other issue, and I would like to send a letter with the support of Council, has to do with Director Reggie Young. I would like to direct Reggie to send a letter to all the head lifeguards, and this might be a policy but I'd like to reiterate it, basically asking each lifeguard and telling each lifeguard that they have the power to revoke or confiscate any passes from individuals that are disruptive.

What appears to be happening is that individuals are ignoring the passes, just running in and getting out of control at certain pools. The head lifeguards, some of them aren't sure exactly what they're allowed to do other than patrol the waters. I want to make it clear that we give them that power and we back up the head lifeguard if they have to take action to control the pools that they're actually overseeing.

If we can direct Reggie to actually send

that letter out, I would appreciate it.

Michelle Madoff seconded the motion.

Mr. Ricciardi:

Same issue. I appreciate Mr. Onorato's comments; unfortunately I missed the beginning of them.

I've had a meeting with Reggie Young with my concern on violence at the swimming pools in my district, and I'm sure there's violence in swimming pools throughout the City of Pittsburgh. My initial reaction is that lifeguards are not security police officers. Lifeguards are not to be security people at those swimming pools. Lifeguards are really to tend to crowd control, and especially to save lives if someone is in trouble in the water.

There is a lifeguard that has been beat up in my district at one of my pools. There is a knife that was found on a young person at one of the other swimming pools. At another swimming pool in the City of Pittsburgh, there was a shooting.

I've really informed Reggie Young to formulate a plan for security at our swimming pools. Unfortunately, at Ormsby, he has yet to have a plan in place. I am fortunately working with the Commander, Commander Mullen. We have a beat officer assigned to that pool. We have problems. There's 8 to 10 swimming pools throughout the City of Pittsburgh where we have violent behavior and it must be addressed. It cannot be addressed by the lifeguards.

We should be very honest with the City of Pittsburgh. The reason we were short lifeguards this summer was that a number of lifeguards did not come back from last year. It's proven, it's on the record that a number of lifeguards were actually beat up last year, and that is the reason

they're not back.

Again, part of that motion, and I apologize for missing the beginning, Mr. Onorato, but part of that motion is that we need a plan on certain swimming pools here in the City of Pittsburgh to protect our young children and our families who are using those pools. Lifeguards are not security guards and it's about time we really realize this because we're going to have a violent tragedy at one of these pools. And I hope Mr. Young and the Administration realizes the potential problem that's out there. Thank you.

Mr. Smith:

Yesterday I received a visit from the parents of a lifeguard at a pool in District 6. There is a mini-police station located at the swimming pool. There was no assistance offered to their son when a group of unruly youth physically attacked him. We have a problem in which he could not get to a phone to dial 911. A police mini-station has a window that overlooks this pool and this young man, basically, wants to quit the job.

If we do not support the young people who are working for us at a pool offering services to other young people, we are in serious trouble. The pools will never open again.

I highly agree with the 911 priority. The basic problem is, the mini-police station officer cannot leave their station. My basic feeling is, if you're right beside the pool, you can hear the ruckus going on and you can't leave that, that's a wasted officer to me.

The fact that this young person had to be physically abused by other patrons, that we do not go up, grab, and I will be honest with you, I will support any legislation that says that if a child does not adhere to the rules of conduct in the swimming pool, that their parent be held liable for

their actions in the swimming pool and that they be banned and that their tags be taken, whether they were paid for or given or whatever.

We cannot allow young people to tell us what they will do on our property and to our employees because if that is the manner and the mode which we permit operation, all 4,000 City employees are in serious trouble.

So, I would support any movement by this Council to force Parks and Recreation, Public Safety, to come together with even community groups on how we're going to address, because we are now babysitters at these swimming pools. And if we do not come together, come up with some rules and some viable means of enforcement, we will never have another lifeguard work for the City of Pittsburgh. So, I am in full support.

I'm going to attempt to work with this family and their son to address this issue, but I will support any movement by this Council to address this ASAP.

The Chair:

All in favor? Opposed?

WHICH MOTION PREVAILED.

Mr. O'Connor:

I know the hour is running late. In fact, Councilman Ferlo and myself had a post agenda set for after this meeting but I just talked to him and the hour is running so late and we have a playground safety meeting at 2:00.

We started to discuss the fees at the pools but I have asked the representative of Public Safety, the Chief of Police will be here, and Parks. We've had tremendous problems with pools and we couldn't even hire lifeguards. So I know

there's a problem there. We'll set it up so that we have more time to address this problem but I want to address the safety issues that Councilman Smith brought up. But I hope the people in the neighborhood support this and the bad actors, and I think this morning's issue that 99 percent of our kids are very good and I think we all agree with that. But the one percent that are bad actors, the community, the police and the people that work in this City would back them up 100 percent to remove them from the pools, the playgrounds or whatever, and take their tags.

Another issue on that. We have to make our pools more user friendly. We discourage families from coming there, I think, because you can't bring food to the pools. I think the hours are bad. They don't open until 1:00. The pools should be available at least at 11:00. More swim lessons for children. Open later for adults.

If we need police, we'll talk about having police. We should identify the pools that need a policeman and we can put them there now that we have police persons. We're hiring enough so I think we can secure these pools. We have to make them more user friendly.

I use Schenley Park on a regular basis. I go to Highland Park; my family has been going there for years. I think we have a real asset there. We have 33 swimming pools, we may have 4 or 5 bad ones, so I hope we don't send a message that people can't go there.

Another major issue we want to talk about at these pools, one of the things Councilman Ferlo brings up is how do we get them better used. Safety is certainly one. Transportation is another issue. If you live in parts of Oakland, the Hill District, Squirrel Hill, you cannot take a bus to Schenley Park. Young kids can't walk that far. Every parent doesn't have a second car. Highland Park, they shut off the bus service. There's no bus service to the pool

any more. There are things we can address as far as the hospitals contributing shuttle buses once or twice a day to transport children. It's a massive concern to all of us.

We had trouble hiring lifeguards and this is probably part of it. But I think we have to support the people that work in those pools just as we supported the policeman who had an arrest last week that maybe wasn't 100 percent correct, but in the eyes of the public we certainly backed him up and we got a lot of support from the police officers and I think we sent a good message to them.

Anyway, we'll call this post agenda. I'll set up a date soon. This week, if it fits our schedules, I think we should get to the bottom of it. I'll cancel today's post agenda because of the late hour.

But these are the things we want to address and not just the fee issue. How to make them more user friendly and have them safer.

The Chair:

Okay, today's post agenda on pool fees is canceled and will be rescheduled.

Michelle Madoff:

I just would like to take this opportunity to thank the Commission on Human Relations for their excellent support. And to say to my colleagues, as I leave in the next few months, to start looking in the mirror and looking at your conscience and maybe going to your house of

worship, and think about developing the courage to vote for what is absolutely essential and not waiting for the Human Relations Commission to come out and say things like we need a curfew, that we ought to decriminalize drugs because that's just another fancy word for legalizing them and I've thought about that for a long time and I really support what is in this study. And until this Council has the courage to vote, and any Council, to vote for what is important to make things better in this community -- We know that it's not a very popular political vote to say that we ought to have a curfew. It works in other cities. It's not a politically astute thing to say that we should legalize drugs. But, by God, it's better than having your family, yourself, a loved one or a neighbor, being hit on the head because somebody needs a fix. Maybe we ought to start dealing in the real word and I urge you to start thinking about the real world.

Mr. Cohen:

I just want to remind folks that there will be a televised public hearing at 2:00 today on playground safety. Thank you.

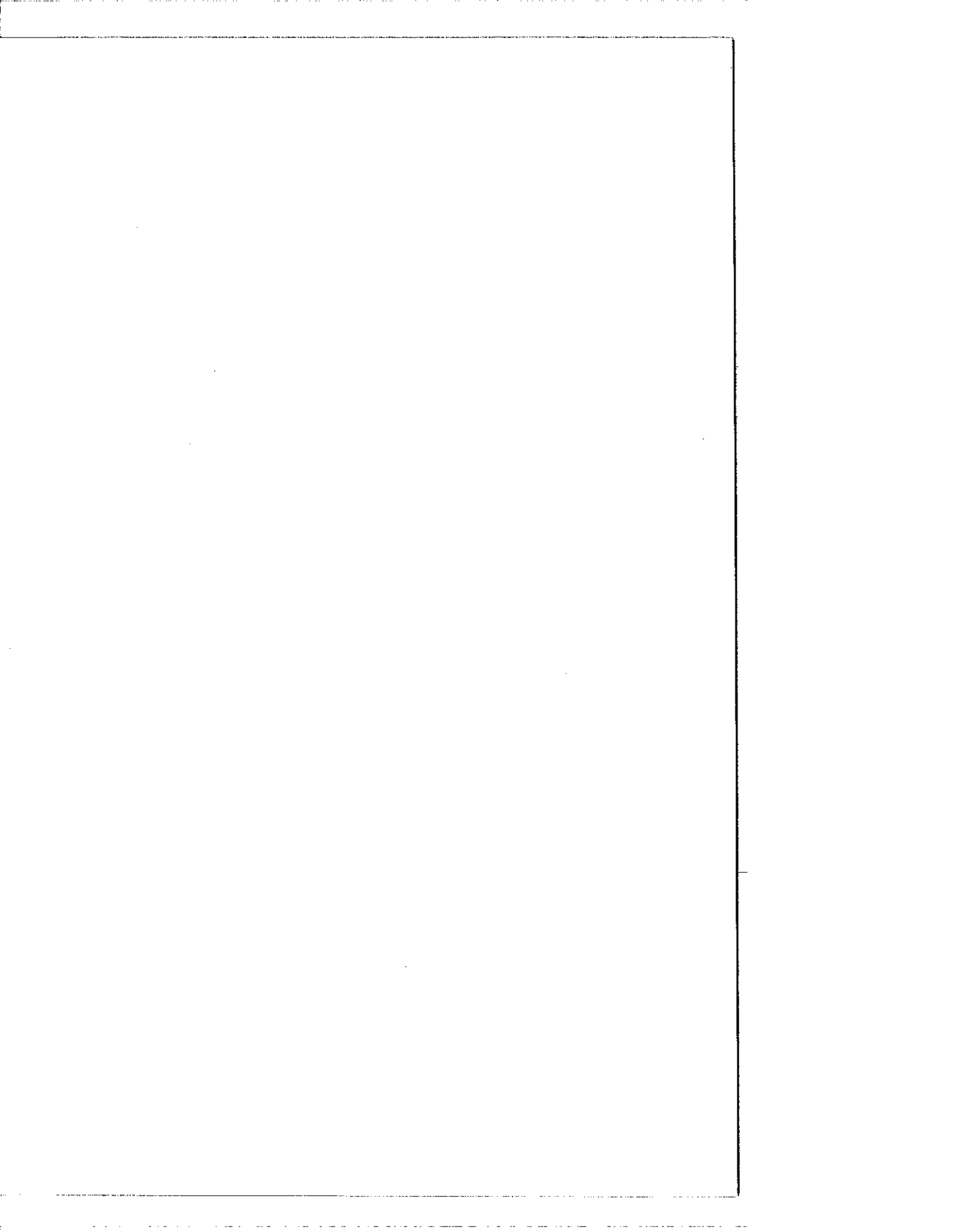
Michelle Madoff moved to approve the Minutes of Tuesday, June 29, 1993.

Mr. Cohen seconded the motion.

Which motion prevailed.

And on the motion of **Michelle Madoff**

Council adjourned.



MUNICIPAL RECORD

Proceedings of the Council of the City of Pittsburgh

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No. 31

Municipal Record

ONE-HUNDRED TWENTY-SEVENTH COUNCIL

JACK WAGNER President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON-WASLER Asst. City Clerk

Pittsburgh, PA
Tuesday, August 3, 1993

PRESENT:

MR. COHEN	MR. ONORATO
MR. FERLO	MR. RICCIARDI
MICHELLE MADOFF	MR. SMITH
MR. O'CONNOR	MR. DARKINS
	(Pres't Pro tem)

ABSENT:

MR. WAGNER

The Meeting was opened by the recitation of the Pledge of Allegiance to the Flag of the United States of America, and a moment of silent prayer for peace throughout the world.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Ferlo:

I'd like Ben Mazzoccoli to come up here with his Scout Troup, please.

Mr. Ferlo presents

No. 3033 WHEREAS, Benjamin Mazzoccoli, who graduated from Central Catholic High School in June 1993, and who served as an altar boy at St. Kieran Parish in Lawrenceville for six years before entering high school, is the Treasurer of the newly formed Youth Group at St. Kieran Parish, a group which he helped to organize and is also a Board Member of the Lawrenceville Citizens Council; and

WHEREAS, Benjamin Mazzoccoli, whose father, Liberta, passed away when Benjamin was very young, provides tremendous assistance and support to his disabled mother and his two elderly grandparents, and is responsible for many of the chores involved in running a household; and

WHEREAS, Benjamin Mazzoccoli has been a member of Boy Scout Troop #40, Fort Pitt District, Greater Pittsburgh Council, since September 23, 1986 and has held troop leadership positions of Patrol Leader, Assistant Senior Patrol Leader, Senior Patrol Leader and is currently serving as Junior Assistant Scoutmaster; and

WHEREAS, Benjamin Mazzocoli was elected to the Order of the Arrow, a Brotherhood of Scout Campers in August, 1990 and has earned twenty-one merit badges while advancing to the rank of Eagle Scout; and

WHEREAS, Benjamin Mazzocoli's Eagle Scout Service Project consisted of recruiting, organizing and supervising local youth from Lawrenceville in painting over many area sites which were covered with graffiti including the 52nd Street basketball court; and

WHEREAS, Benjamin Mazzocoli successfully completed his Eagle Scout Board of Review on April 21, 1993 and was officially presented his Eagle Scout Certificate, Badge and Pin, at a ceremony in his honor on July 30, 1993 when he was also presented his well-deserved Eagle Scout Award.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby officially recognizes and commends Benjamin Mazzocoli for his outstanding achievements as a Boy Scout and for his contributions to the Lawrenceville community; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh declares Tuesday, August 3, 1993 as "Benjamin Mazzocoli Day" in the City of Pittsburgh in recognition of his outstanding good citizenship.

Mr. Ferlo moved to adopt the resolution.

Mr. Cohen seconded the motion.

Which motion prevailed.

Mr. Ferlo:

I met Ben because we're very active in the Lawrenceville community struggling with some

problems that we're having at the basketball court. Because of the leadership and involvement of Ben and some of his friends, we really made a dent in trying to resolve some of the community problems centered around a basketball court. With Ben's leadership and hard work, he was able to really coalesce some of the energies of the younger people in the community to really be a part of the problem solving.

I think he just exemplifies a lot of the younger people in the Lawrenceville community and I thought it was important to bring him down here today. He was honored Friday at a reception out in Lawrenceville. He's a great person and, most importantly, he's greatly appreciated by his peers as well as his family and the residents in the Lawrenceville community. I just know he's going to go on to bigger and better things in the neighborhood. He's an invaluable asset to the community and I just want to take the opportunity today to really highlight his achievements and really just offer him a thank you on behalf of Council and the residents in Lawrenceville because he's one heck of a kid. Thank you.

Ben Mazzocoli:

Mr. President, Members of City Council, I'd like to thank you for this award. Although it takes a lot of hard work of myself, but it couldn't have been completed without the help of my family, my scout masters, the boys in the troop, and the citizens in my community. Thank you.

Mr. O'Connor:

Would Gene Connelly, Debbie Dunbar, Chuck Hess, Mike Brown from the Coast Guard, and Larry Johnson from Pontiac please come up?

Councilman Darkins is a Boardmember of the Regatta and, as you mention the name Connelly, it's significant with rivers and boats and regatta. And we hope that everybody starting

this Thursday with a big parade in Downtown kicks off the Regatta and we hope everyone comes down and joins the festivities. We expect over a half million people to visit our City and Council supports this 100 percent.

We really want to, before I read this, thank the Connelly family and everybody involved with the Regatta, Gene, Bishop Darkins, Pepsi and Pontiac, certainly for their support. It's an outstanding event and hopefully a lot of people will have a lot of fun this weekend.

All Members of Council present

No. 3034 WHEREAS, Pittsburgh is the number one inland port in the world with its three magnificent rivers -- the Allegheny, the Monongahela and the Ohio -- serving our community as well as mankind in great expanse, having provided the water needs for economic progress as well as for the recreation of our citizens; and

WHEREAS, the Pittsburgh Three Rivers Regatta is designed to contribute to the goal of focusing attention on the area's lifelines, and will offer a fun-filled weekend of entertainment August 5 through 8; and

WHEREAS, the 1993 Three Rivers Regatta, presented by Pepsi, the Greater Pittsburgh Pontiac Dealers and KDKA-TV, this year's media sponsor, is pleased to celebrate another anniversary of its Pittsburgh history; and

WHEREAS, the 1993 Regatta will feature an expanded schedule of more than 70 events including The Bud Light International Outboard Grand Prix Boat Race, Delta's Great Mid-American Sternwheel Race, the popular Station Square "Anything That Floats" event and the Snyder of Berlin Hot Air Balloon Classic, on August 5 through 8, which we proudly proclaim "Regatta Weekend" in Pittsburgh.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend the President and General Chairman of the Three Rivers Regatta, Eugene F. Connelly, and his dedicated and capable staff, as well as all those who work diligently toward success again this year.

BE IT FURTHER RESOLVED, that we congratulate the United States Coast Guard, the 1993 "Riverperson of the Year", as we urge our citizens and visitors to enjoy and participate in this open-air spectacular exhibition that truly reflects the great pride we all share in our bountiful rivers.

Mr. O'Connor moved to adopt the resolution.

Mr. Cohen seconded the motion.

Which motion prevailed.

Michelle Madoff:

I was involved in this Council when John Connelly and Gene Connelly brought the Regatta here. They've received some money to try to do some work down at Station Square. They have contributed probably one of the largest sums, the largest job opportunities to this community, and we need to help them in every way, not hinder them in anything they do, including riverboat gambling, from my perspective. We've got to stop sending business elsewhere.

How many people will give of themselves, as Gene has, to make this City the most vital place that it is? I personally thank you and I know that the citizens of this community do too.

Mr. O'Connor:

Before I present this to Gene, I want to

reflect on what Michelle said. Our Council supports you 100 percent and the City workforce has really gotten behind you and hopefully they have an extra effort and pull it off again as they did every year and you have a bigger and better Regatta than we ever had.

Congratulations, Gene. Thanks for all your efforts.

Mr. Connelly:

Thank you very much and I certainly would like to thank all the Members of City Council for the support that they've given us over the years. This is the 16th anniversary for the Three Rivers Regatta, and we have a lot of nice things in store for you.

We do appreciate everything that you've done and, most of all, my appreciation to all of our people from Pontiac, Pepsi, the Coast Guard, and to our good friend, President Duane Darkins, for all the assistance and the help that he has given us throughout the years.

Each and every one of the City Councilmembers have played a magnificent part in making this a tremendous success. Most of all is our beautiful little lady, Debbie Dunbar. Debbie is one of my Assistant Managers over at the Sheraton Hotel --

Michelle Madoff:

Do they all dress like that?

Mr. Connelly:

Yes they do. That's the formal attire. That's the uniform of the day. But Debbie is the Regatta Mermaid and Debbie has done a good job. This is the third year Debbie has been the Regatta Mermaid.

We're just so pleased and so happy that everybody has been so cooperative and assisted and helped us so much with the Regatta.

I was very happy to see the Boy Scouts represented here today and presented with a trophy. The Boy Scouts are going to play a big part in the Regatta this year. In fact, they're leading the parade on Thursday evening. So, the Mayor will be leading the parade, Sophie, and the rest of the parade will certainly be played a big part by the Boy Scouts.

Once again, thank you to each and every one of you. And to all my good friends that have helped tremendously, thank you from the bottom of my heart. Thank you very much.

Mr. Wagner and Mr. O'Connor present

No. 3035 WHEREAS, the global Sri Chinmoy Oneness-Home Peace Run seeks to unite the world in friendship through the passing of the Peace Run Torch; and

WHEREAS, Peace Run America is part of the Sri Chinmoy Oneness-Home Peace Run, history's longest global running relay covering 50,000 miles through 70 countries, and more than a million people have participated in Peace Runs held biennially since the event was founded in 1987; and

WHEREAS, Peace Run America is a 50-state relay run aimed at promoting racial and ethnic harmony in American cities in which runners will carry the Peace Torch through 1,000 cities and towns; and

WHEREAS, the Peace Run cooperates with the Mayor's Council for the Peace Run, a coalition of 16 U.S. Mayors, that helps to unite local citizens and community groups in Peace Run programs that build self-esteem and a sense of global belonging; and

WHEREAS, the Oneness-Home Peace Run was founded by Global Peace Ambassador Sri Chinmoy who has inspired the dedication of more than 500 "Peace Blossoms" - cities, states and significant landmarks worldwide to the cause of peace; and

WHEREAS, the Peace Run Torch will be carried by national relay runners through Pittsburgh on Sunday, August 1, 1993, with residents carrying the Torch to affirm the conviction that peace is an idea whose time has come.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh declares Pittsburgh a Sri Chinmoy Peace City, joining the growing family of Peace-Blossoms around the world; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh hereby proclaims Sunday, August 1, 1993, as "Peace Run America Day" in the City of Pittsburgh in recognition of this historic initiative.

Mr. O'Connor moved to adopt the resolution.

Mr. Ferlo seconded the motion.

Which motion prevailed.

Mr. Onorato:

At this time I'd like to have the Spring View Pony League come forward.

Mr. Onorato presents

No. 3036 WHEREAS, the Spring View Pony League Baseball Team won the regular season and went on to win the tournament championship in the North Suburban Baseball Association Pony League Division, giving them

an overall record of 22-1 for the year; and

WHEREAS, the league is made up of 28 teams from the McCandless, Ingomar, Richland, Brad-Mar-Pine, Brightwood, and Quaker Valley areas; and

WHEREAS, the Spring Hill area team has been dominant the past three seasons with a record of 62-5, and also won the regular season and league titles last year, and was the regular season championship in 1991; and

WHEREAS, team members Dave Bradshaw, Nick Crawley, David Dick, Mark Fox, Keith Gonzales, Todd Helwich, Rick Herzer, Dan Lippert, Dave Lippert, Jim Minton, Steve Nash, Chris Spudich, Jim Steigerwald, and Ron Weber, under the direction of Coaches Don Waldorf, Keith Gonzales and Bob Lippert, beat McCandless 11-1 to capture the tournament title.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh congratulates the Spring View Pony League Baseball Team for their continued success and commends the athletes and their coaches for their display of sportsmanship and the recognition that their accomplishments bring to the North Side and the City of Pittsburgh.

Mr. Onorato moved to adopt the resolution.

Mr. Ricciardi seconded the motion.

Which motion prevailed.

Mr. Onorato:

I'd just like to say that this team has gone three years and this is the first year that we're recognizing down here where we go out into the northern suburban areas and have been dominating these teams that come from larger resources. But it just goes to show what team

work can do.

At this point, I'd like to have the coach say a few words.

Coach Waldorf:

I'd like to thank Council for inviting us and for having us here.

I'd like to give a special thanks to my two coaches, Keith Gonzales and Bob Lippert. A special thanks to Father Gus from St. Boniface who is sponsoring the team. And I'd like to thank the Spring View Board for having us play this year. They work 12 months out of the year and it's not just a couple months on the field. Thank you.

Mr. Onorato:

At this time I'd like to call up Judy Landa, Robin Brandt, Donna Kramer, Josette Fitzgibbons from NeighborFair, for the National Night Out.

Colleagues, this is our annual National Night Out where we encourage neighbors to get out and put their lights on, and to basically fight crime by showing their presence in your neighborhood and taking your neighborhood back by yourselves with your neighbors. Especially on a day when we're talking about ways to fight crime, this is one positive way that I'm sure everyone would agree with.

Mr. Onorato presents

No. 3037 WHEREAS, National Night Out will be held on Tuesday, August 3, 1993 in neighborhoods throughout the Pittsburgh area; and

WHEREAS, the purpose of National Night Out is to help to build a sense of community

spirit, cooperation, and individual responsibility and to encourage neighborhood involvement in crime prevention through such projects as the Block Watch Program; and

WHEREAS, on National Night Out, individuals are encouraged to leave their porch lights on and to sit out and socialize with their neighbors, thus garnering a sense of cooperation, involvement and security; and

WHEREAS, it has become tradition in several Pittsburgh neighborhoods City-wide to host Block Watch parties to celebrate the purpose of National Night Out; and

WHEREAS, the Marshall Brighton neighborhood which includes Marshall Avenue, Brighton Road, Ridgeland Drive and Place, New Hampshire, Ingham, Hodgkiss and Gifford Streets, will hold a Block Watch Party for National Night Out with a Hawaiian theme which will include such activities as a Hawaiian dance show and Hula contest, a Hawaii 5-0 Steve McGarret look alike contest and an "Elvis" sings Blue Hawaii event. There will also be a duck pond, a shooting gallery, face painting, limbo dancing, and visits by Officer Robin Brandt, Sparky the Fire Dog, McGruff the Crime Dog, and many other mascots; and

WHEREAS, Judy Landa, community leader in the Marshall Brighton area, has given of her time and energy to organize all the individuals involved in the Marshall Brighton Block Watch Party for National Night Out; and

WHEREAS, Donna Kramer, community leader and head of the California Avenue Block Watch contributes her time and hard work to this Block Watch throughout the year and joins with the Marshall Brighton Block Watch Party to celebrate National Night Out; and

WHEREAS, the Spring Hill Civic

League in conjunction with the Spring Hill - City-View Block Watch which encompasses residents from Buente, Rockledge, Rhine, Essen Damas, Haslage and Yetta Streets and which will also hold a Block Watch Party which will be kicked off by a street dance and will include various fun-filled activities; and

WHEREAS, Darlene Harris, President of the Spring Hill Civic League, gives of her time and energy to organize the Spring Hill area Block Watch Party and it is a success largely through her efforts; and

WHEREAS, the names of all those involved in all the Block Watch parties City-wide are too numerous to mention but all those who participate are deserving of recognition for their efforts.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh recognizes all those who have given of their time and energy to make National Night Out 1993 a success.

Mr. Onorato moved to adopt the resolution.

Mr. O'Connor seconded the motion.

Which motion prevailed.

Mr. Onorato:

At this time I'd like to call Judy Landa up who is probably the number one advocate for National Night Out, at least if you judge it by the phone calls in my office she is.

We have a little surprise today, but Judy wants to say a few words.

Ms. Landa:

Hi. Some of you may remember that we

were here last year. But this year we're acknowledging Night Out the day of Night Out, hoping that this will remind all of you to visit the neighborhoods tonight. There are block parties going on all over the City of Pittsburgh, not just on the North Side.

But I would like to acknowledge my friends and neighbors, not only Donna Kramer who is a neighboring Block Watch Captain who is a big help, my neighbor in the back, Linda, if you could step up here, Linda Stapleton who is coordinating most of the Hawaiian activities. As Dan mentioned, we have a hula dance contest, a limbo contest and, of course, you always need a crime prevention tie in, so we have a Steve McGarrett look alike contest.

But we also have a very important guest celebrity and we thought we'd like to give you an example of tonight's activities. He needs no introduction.

Mr. Onorato:

I'd just like to say, Michelle, that we didn't forget that this is a special week for you and that you're celebrating a birthday we heard.

Elvis, would you like to start with your gifts?

Ms. Landa:

We're going to avoid the obvious pun here with the lei, so Elvis?

Elvis:

Michelle, I'm here to present you with these leis on behalf of the Marshall and Brighton Night Out.

Michelle, thank you. Thank you very much.

Mr. Onorato:

I'd just like Officer Brandt who represents North Side and the community police officer, but also all the community police officers, to say a few words.

Officer Brandt:

Thank you, Councilman Onorato. I'm glad everybody in here does have a sense of humor. It does go a long way, especially in the crime business. It does pay.

Basically, this is a special day. It's a special day for me and it's a special day in the City of Pittsburgh not only because it's National Night Out but Pittsburgh does have something very special to celebrate. We are the only city nationwide that has ever won the number one title two years consecutively.

National Night Out is a symbolic stand against crime nationwide. It entails 10,000 major cities across America with millions of people. And it's a national competition. I don't know if you're aware of that. Every city does all sorts of things and what they do is actually package everything that they have done and they send it in for national judging. Pittsburgh is the only city that has every won first place, taking heads and shoulders above any other major city. So I am especially proud in my position and I think Pittsburgh should also be very proud.

So, we hope everyone will be out tonight with their porch lights on. Thank you.

Michelle Madoff:

If our listening viewers are observing, if you want something said, ask a man. If you want something done, ask a woman.

As you notice, with all due respect, Mr. Elvis and Dan who should be honored for what he's doing today in honoring women, but it takes women to get things done, doesn't it?

Do you think people are watching this and realizing what roles we play? We're not the better half but we sure are the other half.

Mr. Onorato presents

No. 3038 WHEREAS, Avery Homes is the latest residential development to occur in the Deutschtown Historic District, located in the East Allegheny neighborhood. This neighborhood is also home to the Priory and several private residential developments, including Deutschtown Square; and

WHEREAS, Avery Homes is unique because the East Allegheny Community Council is the developer. Sales prices range from \$75,000 to \$82,500, depending on unit size. The development is also unique because it is a true "in-fill" project -- the first project of its kind undertaken in the City where the houses are built wall-to-wall with existing houses on the street; and

WHEREAS, the East Allegheny Community Council has been active in working to rejuvenate this site since the early 1980's. Prior to 1986, the existing structures at 520-526 Avery Street were in a dilapidated condition. In 1987, a private developer tried unsuccessfully to rehabilitate the units; and

WHEREAS, in the summer of 1990, there was a devastating fire and the buildings were destroyed. In the fall of 1990, the structure was demolished. In the summer of 1991, EACC was able to acquire the vacant lot and began to work on a development plan that would be historically compatible with the existing neighborhood; and

WHEREAS, Avery Homes, designed by Tai and Lee Architects, incorporates elements from the Victorian neighborhood in which the project is located. This includes brick facades with frieze boards and brackets, a center passage way and steeply pitched roofs. In addition, the interior boasts 9-foot high ceilings and oversized window and door trim; and

WHEREAS, the development team also includes Kee Construction and Development, general contractor and the Northside Leadership Conference, project management services. Financing has been provided by PNC Bank, PNC Bank Foundation, the Urban Redevelopment Authority, Pittsburgh Partnership for Neighborhood Development, and Pittsburgh History & Landmarks Foundation. Demand for the units has been so strong that EACC is moving ahead with plans to construct and rehabilitate additional houses in the neighborhood and is discussing future owner-occupied housing development plans with for-profit developers.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh recognizes the persistent work and effort put forth by the East Allegheny Community Council and the Development Team, along with the Financial Partners involved in this project for their success in developing the vacant property located at 520-526 into the Avery Street Homes.

Mr. Onorato moved to adopt the resolution.

Mr. Ricciardi seconded the motion.

Which motion prevailed.

Mr. Cohen presented

No. 2963 Resolution providing for the issuance of a \$1,443.46 warrant in favor of

Kenneth Macura in settlement of claim for automobile damage by a City Police vehicle, charging same to Code Account No. 46, Index Code 004606 Judgments.

Also,

No. 2964 Resolution providing for the issuance of a \$991.02 warrant in favor of Leonard and Cynthia Cwiklik in settlement of claim for property damage due to a blocked sewage line, charging same to Code Account No. 46, Index Code 004606 Judgments.

Which were read and referred to the Committee on Finance.

Mr. Cohen for Mr. Darkins presented

No. 2965 Resolution authorizing the issuance of a warrant in favor of James D. Boyce Associates, Inc., in the amount of \$15,759.80 in payment for the purchase of play equipment furnished for the benefit of the City without previous authority of law, and providing for the payment thereof.

Also,

No. 2966 Resolution providing for a warrant in favor of Helen Hull in the amount of \$300.00 in payment for professional services rendered to Councilman Darkins for July, 1993, chargeable to and payable from Code Account 1001-2, City Council, District 9.
---(SPONSORED BY MR. DARKINS)

Which were read and referred to the Committee on Finance.

Mr. Cohen moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. O'Connor seconded the motion.

Which motion prevailed.

Also,

No. 2967 Resolution transferring the amount of Seventy Thousand (\$70,000.00) Dollars from Code Account 1688, Recycling, Index Code 168807, Department of Public Works, to Code Account 1132-5, Radio Improvement, Index Code 113258, Department of General Services.

Which was read and referred to the Committee on Finance.

Also,

No. 2968 Resolution providing for an agreement between the City of Pittsburgh and the Borough of Ingram in connection with the paving of Ingram Avenue from Cioty line to Linshaw Street and providing for the payment thereof by the Borough to the City of the Borough's share of the costs thereof.

Which was read and referred to the Committee on Public Works.

Mr. Ferlo presented

No. 2969 Resolution providing for a warrant in favor of Bloomfield-Garfield Corp. in the amount of \$800.00 in payment for professional services rendered to Councilman Ferlo for the months of July and August, 1993, chargeable to and payable from Code Account 1001-2, City Council, District 7.
---(SPONSORED BY MR. FERLO)

Which was read and referred to the Committee on Finance.

Mr. Ferlo moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. Ricciardi seconded the motion.

Which motion prevailed.

Also,

No. 2970 Resolution providing for an Agreement or Agreements with Save the Aviary, Inc., for handicapped accessibility improvements and related costs at the Aviary, at a cost not to exceed \$100,000.00, chargeable to and payable from the 1993 CDBG Program, Dept. of City Planning, Index No. 611608.

Also,

No. 2971 Resolution amending Resolution No. 228, effective March 19, 1993, as amended by Resolution No. 366 effective April 29, 1993 entitled "Providing for the filing of a Community Development statement by the City of Pittsburgh with the U.S. Department of Housing & Urban Development for a grant in connection with the 1993 CDBG Program" so as to decrease a line item in the Department of Engineering & Construction and add a line item in the Department of City Planning.

Also,

No. 2972 Resolution providing for a Cooperation Agreement or Agreements with the Housing Authority of the City of Pittsburgh for the administration and implementation of the "Community and Social Services Programs in Public Housing Communities" at a cost not to exceed \$100,000.00.

Also,

No. 2973 Resolution providing for the designation as a Historic Structure under Section 513 of Chapter 1007 of the Code of Ordinances that certain structure known as the John Wesley A.M.E. Zion Church, more particularly located at 594 Herron Avenue (Block and Lot Number 27-A-158) in the Fifth Ward, City of Pittsburgh. Council District No. 6.

Also,

No. 2974 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application for financial assistance in the amount of \$1,000,000 to the Commonwealth of Pennsylvania Department of Community Affairs for the Neighborhood Housing Program.

Also,

No. 2975 Resolution authorizing a 1993-1994 Neighborhood Housing Program Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh providing for the designation of \$1,000,000 of Pittsburgh Home Ownership Program Funds and the borrower's downpayments as the local matching share for a grant applied for in an application for financial assistance filed with the Pennsylvania Department of Community Affairs.

Also,

No. 2976 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application for financial assistance in the amount of \$750,000 to the Commonwealth of Pennsylvania Department of Community Affairs for the Rental Housing Development and Improvement Program.

Also,

No. 2977 Resolution authorizing a 1993-1994 Rental Housing Development and Improvement Program Cooperation Agreement with the urban Redevelopment Authority of Pittsburgh providing for the designation of \$750,000 of Community Development Block Grant Program Funds, Rental Rehabilitation Program Funds, and Developer Private Investment Funds as the Local Matching Share for a grant applied for in an application for financial assistance filed with the Pennsylvania Department of Community Affairs.

Also,

No. 2978 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application for financial assistance in the amount of \$800,000 to the Commonwealth of Pennsylvania Department of Community Affairs for the Housing Recovery Program.

Also,

No. 2979 Resolution authorizing a 1993-1994 Housing Recovery Program Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh providing for the designation of \$800,000 of Housing Revenue Bond Funds as the Local Matching Share for a grant applied for in an application for financial assistance filed with the Pennsylvania Department of Community Affairs.

Also,

No. 2980 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application for financial assistance in the amount of \$400,000 to the Commonwealth of Pennsylvania Department of Community Affairs for the Housing Site Acquisition and Development Fund Program.

Also,

No. 2981 Resolution authorizing a 1993-1994 Housing Site Acquisition and Development Fund Program Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh providing for the designation of \$400,000 of Community Development Block Grant Program Funds and Housing Revenue Bond Funds as the Local Matching Share for a grant applied for in an application for financial assistance filed with the Pennsylvania Department of Community Affairs.

Also,

No. 2982 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application for financial assistance in the amount of \$750,000 to the Commonwealth of Pennsylvania Department of Community Affairs for the Community Development Investment Fund Program.

Also,

No. 2983 Resolution authorizing a 1993-1994 Community Development Investment Fund Program Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh providing for the designation of \$750,000 of Community Development Block Grant Program Funds and Pittsburgh Home Ownership Program Funds as the Local Matching Share for a grant applied for in an application for financial assistance filed with the Pennsylvania Department of Community Affairs.

Also,

No. 2984 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application for financial assistance in the amount of \$100,000 to the Commonwealth of Pennsylvania Department of Community Affairs

for the Golden Triangle Management Program.

Also,

No. 2985 Resolution authorizing a 1993-1994 Golden Triangle Management Program Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh providing for the designation of \$100,000 of authority, foundation and other private contributions as the Local Matching Share for a grant applied for in an application for financial assistance files with the Pennsylvania Department of Community Affairs.

Also,

No. 2986 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application for financial assistance in the amount of \$600,000 to the Commonwealth of Pennsylvania Department of Community Affairs for the Urban Development Fund Program.

Also,

No. 2987 Resolution authorizing a 1993-1994 Urban Development Fund Program Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh providing for the designation of \$600,000 of Community Development Block Grant Program Funds, Private Financing and Foundation Funds as the Local Matching Share for a grant applied for in an application for financial assistance filed with the Pennsylvania Department of Community Affairs.

Also,

No. 2988 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application for financial assistance in the amount of \$100,000 to the Commonwealth of Pennsylvania Department of Community Affairs

for the Start-An-Enterprise Program.

Also,

No. 2989 Resolution a 1993-1994 Start-An-Enterprise Program Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh providing for the designation of \$100,000 of Authority Funds and Private Contributions as the Local Matching Share for a grant applied for in an application for financial assistance filed with the Pennsylvania Department of Community Affairs.

Also,

No. 2990 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application for financial assistance in the amount of \$500,000 to the Commonwealth of Pennsylvania Department of Community Affairs for the Streetface Program.

Also,

No. 2991 Resolution authorizing a 1993-1994 Streetface Program Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh providing for the designation of \$500,000 of Program Participant Private Investment Funds and Urban Redevelopment Action Grant Repayment Funds as the Local Matching Share for a grant applied for in an application for financial assistance filed with the Pennsylvania Department of Community Affairs.

Also,

No. 2992 Resolution authorizing the filing of an application for financial assistance in the amount of \$1,000,000 with the Commonwealth of Pennsylvania Department of Community Affairs for the California/Kirkbride Renewal Program.

Also,

No. 2993 Resolution authorizing a 1993-1994 California/Kirkbride Renewal Program Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh in connection with an application for financial assistance filed with the Pennsylvania Department of Community Affairs.

Also,

No. 2994 Resolution authorizing the filing of an application for financial assistance in the amount of \$1,000,000 with the Commonwealth of Pennsylvania Department of Community Affairs for the Western Restoration Project.

Also,

No. 2995 Resolution authorizing a 1993-1994 Western Restoration Project Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh in connection with an application for financial assistance filed with the Pennsylvania Department of Community Affairs.

Also,

No. 2996 Resolution authorizing the filing of an application for financial assistance in the amount of \$1,000,000 with the Commonwealth of Pennsylvania Department of Community Affairs for the Special Needs Housing Program.

Also,

No. 2997 Resolution authorizing a 1993-1994 Special Needs Housing Program Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh in

connection with an application for financial assistance filed with Pennsylvania Department of Community Affairs.

Also,

No. 2998 Resolution authorizing the filing of an application for financial assistance in the amount of \$1,000,000 with the Commonwealth of Pennsylvania Department of Community Affairs for the Crawford Square Project.

Also,

No. 2999 Resolution authorizing a 1993-1994 Crawford Square Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh in connection with an application for financial assistance filed with the Pennsylvania Department of Community Affairs.

Also,

No. 3000 Resolution the filing of an application for financial assistance in the amount of \$1,000,000 with the Commonwealth of Pennsylvania Department of Community Affairs for the Vacant Housing Redevelopment Program.

Also,

No. 3001 Resolution authorizing a 1993-1994 Vacant Housing Redevelopment Program Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh in connection with an application for financial assistance filed with the Pennsylvania Department of Community Affairs.

Also,

No. 3002 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to

submit an application to the Pennsylvania Department of Community Affairs for a grant of Strategy 21 Funds in the amount of \$3,000,000 for the Federal North Project.

Also,

No. 3003 Resolution authorizing a Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh providing for the designation of \$775,000 in Community Development Block Grant Funds in the Federal North Project as the Local Share for a grant applied for in an application for Strategy 21 Funds filed with the Pennsylvania Department of Community Affairs.

Also,

No. 3004 Resolution authorizing a Cooperation Agreement with the urban Redevelopment Authority of Pittsburgh providing for the transfer to the City of Pittsburgh of an amount not to exceed \$50,000 to implement Business Festivals under the Community Festival Program.

Also,

No. 3005 Resolution authorizing a Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh for the Pittsburgh Technology Center.

Also,

No. 3006 Resolution amending Resolution No. 1082, effective November 6, 1992, entitled "Authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application for financial assistance in the amount of \$300,000 to the Commonwealth of Pennsylvania Department of Community Affairs for the Neighborhood Housing Program" by increasing the amount of the grant to \$600,000.

Also,

No. 3007 Resolution amending Resolution No. 1083, effective November 6, 1992, entitled "Authorizing a 1992-1993 Neighborhood Housing Program Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh providing for the designation of \$300,000 of Pittsburgh Home Ownership Program Funds and borrower's downpayments as the Local Matching Share for a grant applied for in an application for financial assistance filed with the Pennsylvania Department of Community Affairs", by increasing the Local Share to \$600,000.

Also,

No. 3008 Resolution approving the sale of Block 48S Lot 202 in the 6th Ward of the City of Pittsburgh by and between URA and Bernard A. & Janice Berman for \$40,000.00 -- Industrial Land Reserve Fund (commercial rehabilitation).

Also,

No. 3009 Resolution authorizing the URA to acquire that property in the 6th Ward of the City of Pittsburgh owned by Charles and Jacqueline Schade and designated as Block & Lot 25-M-26, under the Residential Land Reserve Fund - VPRC.

Also,

No. 3010 Resolution approving the sale of Block and Lot 25-M-26 in the 6th Ward of the City of Pittsburgh by and between URA and Margaret Geyer, for \$450.00 -- Residential Land Reserve Fund -- VPRC (sideyard).

Also,

No. 3011 Resolution approving

execution of a Contract by and between URA and Manchester Citizens Corp. for the sale of Parcels 60 & 122 in the 21st Ward of the City of Pittsburgh for \$1,000.00 -- Redevelopment Area No. 27 (residential construction).

Also,

No. 3012 Resolution authorizing the URA to acquire all of the City's right, title, and interest, if any, in and to publicly-owned property in the 10th, 13th, 15th, 21st and 25th Wards of the City of Pittsburgh.

Also,

No. 3013 Resolution authorizing the URA to acquire all of the City's right, title, and interest, if any, in and to publicly-owned property in the 3rd, 8th, 13th, 15th 21st, 23rd and 25th Wards of the City of Pittsburgh.

No. 3015 Resolution approving the sale of Block and Lot No. 23-K-380 in the 22nd Ward of the City of Pittsburgh by and between URA and Louis S. and Marie O. Guerner, for \$150.00 - Residential Land Reserve Fund/VPRC (sideyard).

Which were severally read and referred to the Committee on Planning, Housing and Development.

Mr. O'Connor presented

No. 3014 Resolution authorizing the sale of City owned property known as Baywood Dwelling and/or King Estate and King's Folly, more particularly located at 1251 North Negley Avenue (Block and Lot 82-G-50) Eleventh Ward, City of Pittsburgh.

Which was read and referred to the Committee on Parks and Recreation.

Mr. O'Connor moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. Cohen seconded the motion.

Which motion prevailed.

Mr. Ricciardi presented

No. 3016 Resolution providing for the issuance of a warrant in favor of Parking Lot Painting, Inc. in the amount of \$1,150.00 for the renewal of the composite double yellow centerline pavement marking on Morewood Avenue between Forbes and Fifth Avenues; and providing for the payment thereof; chargeable to and payable from Code Account EC 88-25, 4-13-30-0001-88, Index Code #307546.

Which was read and referred to the Committee on Finance.

Also,

No. 3017 Resolution providing for a Cooperation Agreement or Agreements with the Urban Redevelopment Authority for engineering design fees, minor land acquisition, URA Administrative fees, Construction and Construction Inspection of Station Square Road; and provide for the payment of the costs thereof, chargeable to and payable from Code Account EC93-27, 3-13-01-0370-93, Index Code #870667.

Also,

No. 3018 Resolution providing for an Agreement or Agreements or use of existing Agreements and/or a Contract or Contracts or use of existing Contracts for the construction and

related construction management and design services of Phase 1 - Courts Facility of the Public Safety Complex; and providing for the payment of the cost thereof, chargeable to and payable from the following Code Accounts; EC92-525, Index Code #819185, \$4,000,000.00, EC93-525, Index Code #870493, \$12,000,000.00.

Also,

No. 3019 Resolution providing authorization to enter into a Project Stabilization Agreement with the Building and Construction Trades Council, AFL-CIO and Signatory Local Unions for Phase 1-Courts Facility of the Public Safety Complex to promote efficiency of construction operation and to provide for peaceful settlement of labor disputes and grievances without strikes and lock-outs.

Also,

No. 3020 Resolution providing for a Contract or Contracts, or use of existing contracts, and providing for the purchase of materials in connection with the Schenley Park Repairs; and providing for the payment of the costs thereof, chargeable to and payable from Code Account EC 91-423, Index Code #817064.

Also,

No. 3021 Resolution providing for a Contract or Contracts, or use of existing Contracts, for the Rehabilitation of Greenfield Bridge; and providing for the payment of the cost thereof, at a cost range of \$800,000.00 or more, but less than \$1,250,000.00, chargeable to and payable from Code Account EC93-567, Index Code #870154.

Also,

No. 3022 Resolution providing for a Contract or Contracts, or use of existing

Contracts for services in connection with Bridge and Structure Inspection Program; and providing for the payment of the costs thereof at a cost range of \$25,000.00 to \$50,000.00 chargeable to and payable from Code Account EC 93-57, Index Code #870139.

Also,

No. 3023 Resolution further amending Resolution #1348, effective January 1, 1993, as amended, entitled "Adopting and Approving the 1993 Capital Budget and the 1993 Community development Block Grant Program; and approving the "1993 through 1998 Capital Improvement Program," by creating a new line item, EC 93-27 (Station Square Road).

Also,

No. 3024 Resolution further amending Resolution #1348, effective January 1, 1993, entitled "Adopting and Approving the 1993 Capital Budget and the 1993 Community Development Block Grant Program; and approving the 1993 through 1998 Capital Improvement Program," by increasing EC 93-525 (Public Safety Complex) by \$8,000,000.00 from \$4,000,000.00 to \$12,000,000.00.

Also,

No. 3025 Resolution Adopting Official Sewage Facilities Plan for TACO BELL RESTAURANT located on Freeport Road in Water Works Mall in the 12th Ward of the City of Pittsburgh.

Which were severally read and referred to the Committee on Engineering and Construction.

The Chair presented

No. 3026 Petition from the residents of Highland Park, City of Pittsburgh, requesting

City Council to conduct a public hearing on Bill Nos. 2937 and 2938 concerning the continuation and enhancement of the recreational use of Highland Reservoir No. 1 located in Highland Park.

Also,

No. 3027 Communication from Tom Flaherty, City Controller, submitting the Performance Audit of the City of Pittsburgh's Office of the Mayor, City Information System dated July 1993.

Also,

No. 3028 Communication from Tom Flaherty, City Controller, submitting Appendix to the Performance Audit of the City of Pittsburgh's Office of the Mayor, City Information Systems dated July 1993.

Which were read, received and filed.

REPORTS OF COMMITTEES

Mr. Cohen presented

Bill No. 3029

Report of the Committee on Finance for July 28, 1993 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2896

A Resolution entitled, "Resolution transferring the amount of \$500.00 from Code Account 1001-1 (100115), Miscellaneous Services, Supplies & Equipment, City Council (District 3) to Code Account 1003, (100304), Miscellaneous

Services, Department of City Planning."
--(SPONSORED BY MR. RICCIARDI)

Which was read.

Also,

Bill No. 2912

A Resolution entitled, "Resolution providing for an agreement with Com Squared Systems, Inc. for the use of existing contracts to purchase the optical scanner equipment and maintenance, at a cost not to exceed \$40,000.00, chargeable and payable from Code Account 1051, Index Code 105106, Equipment. City Controller."

Which was read.

Also,

Bill No. 2929

A Resolution entitled, "Resolution providing for a lease with M. Berger Land Company for an initial term of five (5) years at an annual rental of \$7,300.00, solely for the purpose of parking vehicles, the former site of the City's River Rescue Operations, located on the Monongahela River between South 4th and South 6th Streets, 17th Ward. The south side of the property abuts the CSX Railroad Tracks."

Which was read.

Also,

Bill No. 2930

A Resolution entitled, "Resolution providing for a lease with Pittsburgh Brewing Company for an initial term of five (5) years at an annual rental of \$60,000.00, the advertising rights and clock face of Three Taxing Bodies property, known as the former Duquesne Brewery Building, South 21st

and Mary Streets, 16th Ward, City of Pittsburgh."

Which was read.

The Chair, Pro tem:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Ferlo	Mr. Ricciardi
Michelle Madoff	Mr. Smith
Mr. O'Connor	Mr. Darkins
	(Pres't Pro tem)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Darkins presented

Bill No. 3030

Report of the Committee on Public Works for July 28, 1993 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2913

A Resolution entitled, "Resolution vacating a portion of Stiles Way between Perrysville Avenue and Saturn Way in the 25th Ward, 6th

Council District of the City of Pittsburgh. A fee of \$500.00 is being charged for this vacation."
---(AS AMENDED)

Which was read.

The Chair, Pro tem:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:"

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Ferlo	Mr. Ricciardi
Michelle Madoff	Mr. Smith
Mr. O'Connor	Mr. Darkins
	(Pres't Pro tem)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Ferlo presented

Bill No. 3031

Report of the Committee on Planning, Housing and Development for July 28, 1993 transmitting one ordinance and sundry resolutions to Council.

Which was read, received and filed.

Also, with a **NEGATIVE RECOMMENDATION,**

Bill No. 2625

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article III, Chapter 921, Section 921.02, Zoning District Map No. 4, by changing from "S" Special District to "M2" Limited Industrial District and "M3" Light Industrial District certain property located in the Bell Farm area being property owned by the Crown Wrecking Company, Inc., Corliss Roadway Corp., and the City of Pittsburgh having frontage along Bells Run Road and Idlewood Road due north of the Chartiers Creek, 28th Ward."

Which was read.

Mr. Ferlo:

I'd like to make a motion to recommit this bill for purposes of a further discussion, a possible agreement between adjoining property owners, and a final vote if, at the conclusion of that discussion, nothing can be worked out, that we would have a final vote next week before our recess. So my motion is to recommit.

Michelle Madoff seconded the motion.

Michelle Madoff:

I'm a little premature because I'm very concern about this piece of property in my district. I ask my colleagues to vote this down today. We've talked about it long enough. Mr. Crown has had the last month to draft a covenant to present to the community. As you can see, Pastor Siefert is in the audience today. I thought Mr. Ferlo was not going to move to hold it a week and would vote it down today.

We have a limited time because of the hearing and I think we need to get on with resolving the problem and the only way we're going to do it is to let Mr. Crown know that we're

serious. By voting it down today, that still gives Pastor Siefert the opportunity to meet with various people, she needs three months, to see what can be done. According to the rules of Council, because we've already had a hearing, we cannot hold it three months. This doesn't mean that something can't happen at any time. Any piece of property, somebody can come back and say we have an idea we'd like to enact and work it out with the community.

I urge my colleagues to please vote this down today.

Mr. Ferlo:

I think it's inaccurate to characterize what I thought was a good intention offer made on behalf of the owner of the property at the conclusion of the public hearing a few weeks ago, a standing offer to meet. No such offer was accepted by the community either because of vacationing problems or scheduling conflicts.

We're at the final end of a year and a half process involving someone's economic interest on property. It may be in the end that Council feels, as Michelle does, that the property does not warrant rezoning because it would be a detrimental impact to the community around it. And that may be the case and I'll accept that. But I do think it would be fairer at the conclusion of this lengthy process to allow somebody who has a vested financial property interest the opportunity to see whether or not something could be accommodated.

Michelle Madoff:

I want to make it clear that I am for development. There's no reason the process cannot continue over the summer and I think the only way it will happen is if we vote to vote it down now and not to rezone at this time. I repeat, at this time. That would give the parties the

message that we're serious.

I just checked while Mr. Ferlo was making his statement, the situation is that it's been over a month and Pastor Siefert, as a representative of the community, has only been gone for two weeks out of that month. If there was a sincere effort to resolve the problem, it would have been done. If we don't send the message that they better get serious, Crown had better get serious and come up with a palatable plan that everybody can live with, everybody giving a little give and take, it has to come before this Council anyway at some point with a new plan to rezone.

I would urge us to vote it down now and send the strong message.

Mr. Ferlo:

Just in response, Mr. President. I have fought many battles with this attorney involving zoning issues before the Zoning Board and the Planning Commission. But one thing I've always found about him, despite the fact that I've been on opposite sides of issues from him, is that he's honorable. When he says that he made an effort, I believe him to be honest and that that is an accurate statement.

Michelle Madoff:

I think that Mr. Ferlo, as usual, is acting, I believe, in the best interest of the community. I think he believes what he's doing is correct. I just want to point out that voting it down today is not going to stop development of that community. It will give an impetus to the community and to Mr. Crown to move with a new plan and come back and see us.

First of all, how would anybody in this Council like to have this happen in their community? How would you like me to go into

your community and say, "I want to hold this, let's not vote on it, let's give them more time, let's do this or let's do that."

I live in this community, I've been dealing with Mr. Crown for a hundred years. I know this is a directed sale. We have a responsibility to the community to protect the community. This does not mean that they cannot proceed to come up with an alternative plan, and I again urge you to vote it down today.

Mr. Ricciardi:

At the vote at our Committee Session I abstained on that matter because I did not visit the site. However, last week through the staff of Michelle Madoff, Bill Urbanic, I had an opportunity to visit the site. Yesterday I received a letter from Crafton Borough which I'll be perfectly frank with this body that I have yet to review. Also, I'm still in the midst of reviewing the Planning Commission minutes.

We're not really voting it up or down, with all due respect to Michelle. What we're saying is that we have interested parties that have been unable to meet. And I really don't see any harm in just recommitting the bill because that would give them an opportunity to meet before they come back to this City Council before we make the last decision.

So, with all due respect to my colleague, Michelle Madoff, who I've supported I believe 100 percent of the time in the last three years, I disagree with her on this issue. I believe we have a reputable counselor and attorney who have made initial efforts to get hold of the people who represent the neighborhood and has been unable to. What's another week? So I will be voting to recommit.

Mr. Smith:

Could the City Clerk tell us that if we delay this bill until next week, will we still be in compliance with the time line required by the Planning?

Mr. Ferlo:

Yes we will. August 17th. We'll just make it.

The Chair, Pro tem:

To add to this, I think it's nice when you can come together and reason. We have been carrying this for quite some time. I understand that the minister, and not because I'm a minister, has been involved with other things that did not give them time to do as they so desire.

So, Councilwoman Michelle Madoff, we're ready for the vote on recommitment.

Is there any further discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Ferlo
Mr. O'Connor
Mr. Onorato

Mr. Ricciardi
Mr. Smith
Mr. Darkins
(Pres't Pro tem)

AYES 6

NOES 2

(MR. COHEN AND MICHELLE MADOFF
VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill was recommitted.

Also, with an **AFFIRMATIVE** recommendation,

Bill No. 2897

A Resolution entitled, "Resolution amending Resolution No. 431, approved May 7, 1993, entitled: 'Providing for an Agreement or Agreements with the Thirtieth Ward Knoxville Block Watch for operational/administrative expenses; maintenance; purchase of equipment; and/or minor rehabilitation of neighborhood facilities for the benefit of the residents of the City of Pittsburgh, at a cost not to exceed \$1,000.00, chargeable to and payable from Code Account 1103 (110304), Miscellaneous Services, Department of City Planning.' by increasing the amount by \$500.00 from \$1,000.00 to \$1,500.00." ---**(SPONSORED BY MR. RICCIARDI) (AS AMENDED)**

Which was read.

Also,

Bill No. 2917

A Resolution entitled, "Resolution providing for an Agreement or Agreements for the provision of operating support to the following Community Based Organizations undertaking community economic development activities: Pittsburgh Partnership for Neighborhood Development, the Lawrenceville Development Corporation and Lawrenceville Citizens Council, at a cost not to exceed \$54,060.59, chargeable to and payable from the Community Based Organization Trust Fund, Index No. 25047."

Which was read.

Also,

Bill No. 2661

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Quik-It, Inc. for the sale of Parcel 3 in the 25th Ward of the City of Pittsburgh in Redevelopment Area No. 49 (Commercial Construction). PA/Brighton Project."

Which was read.

Also,

Bill No. 2730

A Resolution entitled, "Resolution designating East Carson Street area as an Historic District."

Which was read.

Mr. Ferlo:

On Bill 2730 regarding the designation in the South Side, I just would like my comments brought forward.

Mr. Cohen:

I would also like my remarks brought forward.

(REMARKS ON FOLLOWING PAGES)

(BEGINNING - MESSRS. FERLO AND COHEN'S COMMENTS ON BILL NO.
2730, WEDNESDAY, 7/28/93)

Mr. Ferlo:

I wholeheartedly support the designation and I want to thank the staff and certainly all the citizens as well as Mr. Ricciardi who worked long and hard on this issue. The fact of the matter is this is not only a historic district but equally important it's an historic opportunity for this Council. This Council has probably very few opportunities either in the past or in the future to designate a business corridor that actually would meet the criteria that's been defined under the historic ordinance in the city of which as Mr. Eversmeyer states that it meets three of the criteria. This is probably one of the few last remaining business corridors of this sort with its historical characteristics and contributions to this city that we have an opportunity even to designate and I would urge us to do this. I'm a little bit disappointed in some of the opponents, I respect their viewpoint. Some of them are the classical arguments that any property owner comes to this Council with when we try to tell them what to do with their property but as Mr. Ricciardi eloquently stated there are many laws and ordinances and obligations that property owners have in this city. The fact of the matter is that there was a lengthy process and I'm somewhat perplexed and puzzled as to where these property owners have been for the last couple of years when there have been countless meetings and petitions and letter writings and forms and opportunities so I respect their viewpoint. I don't think anything in the actual guidelines that we will also be adopting is so onerous to those property owners to not allow them full use and opportunity and rights of their property. But again with this historic opportunity to develop this site, I applaud all of those who worked so hard for this initiative.

The Chair:

On the legal issue hopefully the Supreme Court will decide its reconsideration because I think it was at least one year ago that the Supreme Court decided to take under reconsideration that Boyd Theater case out of Philadelphia.

Mr. Eversmeyer:

October of 1991 is when they reheard it.

The Chair:

Under that Supreme Court opinion I agree after reading the opinion that it would be a mistake for us to go forward with site designations but it did not address district designations and I think that we're on legal ground, firm ground for that

until the Supreme Court reconsiders. Hopefully from my point of view they'll reconsider and allow even site specific designations because I think there are cases where we should preserve historical sites so I think we're okay on the legal ground at least for the moment.

On the bill, I have supported this bill since it came to Council and I want to congratulate the Southside Local Development Company and the Southside Planning Forum and the Southside community groups for their active leadership in this bill and moving it forward. Councilman Ricciardi laid out all of the process by which we came to this vote today and that was a long process involving all of the property owners and community groups and really one that I think we could use as a model for the rest of the city on any issue and you ought to be commended for that and Mr. Ricciardi should be commended for his leadership and Southside generally and on this issue.

As I said at the public hearing I think this is really more than just a historic designation issue, it really is an issue relating to the future of the Southside and Southside has undergone an amazing transformation where now it's a charming residential neighborhood and also has a vital business district and it has character and that's what really this bill is about to preserve that character of the Southside. I know that there's fears expressed at the public hearing about Historic Review Commission's process but I thought that the Historic Review Commission staff Mike Eversmeyer and also the Chair John DeSantis allayed many of those fears in talking about the process and the fact that the turn around from the time a property owner in the historic district applies to the Historic Review Commission for some type of alteration and the time the Historic Review Commission staff gets back, the average period is two days. I know there are some that are longer but the average period is two days and I don't think that that's long to wait to try to preserve the character of a neighborhood so I'm in favor of this. I think that preserving the character of that area is a terrific thing to do both for the residents and I think in the long run the businesses will be happy for it too because it's the character of that neighborhood that brings a lot of people, customers as well as residents.

(END OF COMMENTS)

PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

Mr. Ferlo:

There was a concern raised by an attorney, Mr. Goldston, and others who were opponents of the legislation, both at the public hearing and I think in follow up memos.

I think it's important for them to know and that we should maybe note that in the drafting of the specific guidelines which are voted on as well as the creation of the Historic District in the South Side, contained in the actual guidelines is verbatim language from the Oakland Civic Historic District which expedited the review process for private property or business owners along the Carson Street corridor. And, in fact, the actual review procedure that's part of the legislation actually demands that there be a quicker approval process than what is right now presently in place in the Zoning Code.

I think this is an important thing to point out because for any replacement or repair of the exterior, there has to be a commitment from the staff for either approval or rejection. And for new construction or major alterations, there has to be activity and decision-making by the full Historic Review Commission within a 60 day period.

So I really think that that goes to the heart of the criticisms that the opponent raised of the bill.

I've talked to a few of them and they feel much more comfortable with this bill now that there's that provision that has been carried over and is in the guidelines. So I think it's important to point that out.

Mr. Ricciardi:

Mr. President, before we vote on the bill, I'd like to make a motion to amend Bill No. 2730 by deleting properties shown with the star, and I'd like to discuss that motion if I have a second,

please.

Mr. Cohen seconded the motion.

Mr. Ricciardi:

Thank you, colleagues. That's just a housekeeping matter. Unfortunately, the Department of Planning used stars instead of lines deleting those properties. Those properties were not recommended for historic designation both by the HRC, the Historic Review Commission, and the Planning Commission.

So, I would ask my colleagues to vote in the affirmative of this motion.

Mr. Ferlo:

Mr. Ricciardi, could you clarify what properties?

Mr. Ricciardi:

Bill No. 2730. You would see in the bill, for example on page 10, you will see stars. Those properties were never meant to be part of the legislation. They were forwarded to us by the Planning Department. However, they were deleted both by the HRC and the Planning Commission.

Mr. Ferlo:

And these do not involve the 2400 block?

Mr. Ricciardi:

That's correct. The 2400 block remains intact. We do know on one side of the street that the Planning Commission voted aye and the HRC voted nay. However, in our initial vote we believe that the entire 2400 block should remain historic.

So, once again, it's just a housekeeping matter that the Planning Department forwarded the bill to us with asterisk stars instead of putting a line through them. And Mr. Michael can also attest to that.

Mr. Cohen:

Just to clarify. Councilman Ricciardi, on page 8 there are three properties with the number sign in front of it. Will those stay in the bill?

Mr. Ricciardi:

Yes.

Mr. Cohen:

Thank you.

Mr. Ricciardi:

Just on the bill itself, and I'll be very brief. I'd like to thank my colleagues once again for all of your time on this matter and just say that the East Carson Street business district should be designated as a historic district.

Number one, local historic district designation would not make a property owner do anything. Local historic district designation will increase banks interest in East Carson Street in investing in our district.

Designation will help discourage mediocre development of structures. Designation will protect valuable local landmarks like our Oliver Bathhouse. Historic preservation and rehab are a marketing tool for the East Carson Street business corridor.

Over 150 businesses have completed the streetface projects, which we all supported. Designation and guidelines which it sets can protect and increase, and will increase, our

property values including in our residential districts, and the residents of the South Side thank you for your initial vote.

Designation will help to maintain the historic and architectural character of our community, and we thank you for your initial vote.

Preservation strengthens community pride and contributes to an increase awareness of community's heritage. And when we preserve the past, we're building the future.

Thank you, colleagues, for your initial support of this bill.

Mr. Cohen:

I wanted to take a moment to congratulate the South Side Planning Forum, the South Side Local Development Company, Councilman Ricciardi, all the community groups in the South Side that worked with this, and the merchant groups as well, because I do think that even though there are some fears about this now, that a year from now after this passes, that everyone will see that it really will support the character of the South Side, and I think that means both businesses and residents, and I think it's going to be a good thing.

The Chair, Pro tem:

We are going to take the amendment first. Roll call vote.

Is there any further discussion on the amendment?

And on the question, "Shall the amendment pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Ferlo	Mr. Ricciardi
Michelle Madoff	Mr. Smith
Mr. O'Connor	Mr. Darkins
	(Pres't Pro tem)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the amendment passed finally.

The Chair, Pro tem:

Is there any discussion on the bills itself?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Ferlo	Mr. Ricciardi
Michelle Madoff	Mr. Smith
Mr. O'Connor	Mr. Darkins
	(Pres't Pro tem)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Onorato presented

Bill No. 3032

Report of the Committee on Public Safety for July 28, 1993 transmitting one ordinance and one

resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 740

An Ordinance entitled, "An Ordinance supplementing the Pittsburgh Code, Title VI - Conduct, Article 1 - Regulated Rights and Actions, Chapter 601 - Public Order - by adding Section 601.19 entitled, 'Loitering for the purpose of engaging in Drug-Related Activity'." --(SPONSORED BY MR. RICCIARDI AND MR. ONORATO) (AS AMENDED)

Which was read.

Mr. Ricciardi:

Discussion on Bill No. 740. The bill we have before us is an anti-drug loitering ordinance for the City of Pittsburgh, not an anti-loitering ordinance, but an anti-drug loitering ordinance which would prohibit loitering for the purpose of engaging in drug related activities. Similar ordinances have been passed and withstood constitutional tests in several cities across this nation, including here in Pennsylvania the city of Erie and Harrisburg. Columbus, Seattle, Alexandria, Akron, Ohio and Sandford, Florida.

I believe that an effective anti-drug loitering ordinance here in the City of Pittsburgh will strengthen the hand of law enforcement and provide tremendous assistance to our residential neighborhoods. As a matter of fact, if one looks back to the public hearing, Chief Earl Buford himself said that he will welcome this as an additional tool to eradicate drugs on our streets.

Please keep in mind that this legislation will specifically target the 33 open air flagrant drug markets in the City of Pittsburgh.

There are different ways to sell drugs on a retail level. One is in a market place. One can talk about between students and between people who know each other. But one is also the flagrant drug markets that happen here in the City of Pittsburgh that become very sophisticated, from the lookout, to the person who actually hails the car over, to the person who actually makes the deal, before you even get to the person who is holding the drugs.

The residents know where they're at. The police know. We know. Why haven't we been able to eradicate, to stop these drug markets? It's because as Chief Earl Buford says, he welcomes an additional tool to use, and this possibly can be the additional tool.

It's been stated, can this withstand a constitutional test. In other words, does it in any way infringe on the civil liberties of all people, especially the law abiding citizens? January 13, 1993, our Solicitor, Mary Conturo, with the weight of the Law Department behind her, states that our ordinance has been drafted similar to two other ordinances, the city of Akron, Ohio, and Sanford, Florida. And both ordinances have survived challenges to the constitutionality. And specifically a challenge that the ordinance was void for vagueness.

The anti-drug loitering ordinance that was overturned in the state of Florida, we made changes to make sure that we do not fall into the same trap.

Also, it's been stated by others, especially the ACLU that probable cause is not taken into consideration. Again, Mary Conturo writes that the ordinance in no way attempts to void the probable cause standard. Again, that's Mary Conturo who has the weight of our Law Department behind her. And I'm very comfortable on the constitutionality.

Number one, a co-sponsor of the bill, Dan Onorato, is an attorney. And another well respected, well educated attorney who supports this bill is Dan Cohen.

So, once again, I believe that it could withstand a constitutional test.

Mr. Cohen:

Point of Order, if I may. I have an amendment that I want to offer to this bill, and I want to ask whether it is appropriate to do this before, and then have a discussion on the entire bill.

Mr. Onorato:

I'll be more than happy to do the amendment now, and then I can have discussion. That's fine.

Mr. Cohen:

Thank you. I have an amendment that I would like to move for this bill. It's really a follow up on Dr. Leon Haley's suggestion last Wednesday regarding an independent commission.

Section H of the bill states that the bill will be in effect for a trial period of one year during which time the effectiveness of the bill will be reviewed and recommendations made to Council.

This amendment, which I think is in front of every Councilmember says that if we're serious about the trial period of one year, and if this bill should pass, then we should have an independent commission to assess two things. One is, whether it is applied in a manner that does not discriminate on the basis of race. And the second is to determine whether the ordinance

actually is effective in reducing incidences of public trafficking of drugs.

The amendment has really two parts. That was the first part that says what this independent commission should be evaluating. And the second part is who should be on this commission.

I've spoken and worked with the two sponsors of this bill, Councilman Gene Ricciardi and Councilman Dan Onorato, to come up with these representatives, and let me read them briefly. It's a five member commission. The first would be a representative from the Human Relations Commission. The second would be a representative from the Urban League of Pittsburgh, Inc. Three, a representative from the Pittsburgh Chapter of the NAACP. Fourth, a representative from the Office of the Allegheny County District Attorney. And fifth, a representative from the Pittsburgh Office of Professional Standards.

Some people are fearful that this bill, if it passes, would be implemented in a discriminatory fashion, and I pray that that is not the case. But, it makes it even more critical that we have an independent body who will evaluate the implementation of the bill and report to Council to evaluate one, it's effectiveness and, two, to determine whether it's being applied in discriminatory fashion.

These five organizations are the ones that will most likely receive complaints, if complaints are made, against the implementation of the act. And I think that's it's a truly independent commission, and that means independent of City government and also even of the organizations who worked on this bill.

I've spoken with the leaders of most of these organizations and they've voiced their support and agreed to serve. One, of course, if

Dr. Leon Haley who really initiated this suggestion. I spoke with Reverend Smith this morning, the President of the NAACP, who also voiced his support and his agreement to serve on this commission. I had a long discussion yesterday with Mr. Gene Baines, the Chairman of the Human Relations Commission, who also agreed to serve.

I have a message in and a FAX of the amendment to Bob Colville, the District Attorney, yesterday afternoon and I hope to talk to him today.

This commission would be required to submit to City Council within 30 days a report and recommendation, 30 days after the one-year trial period. But I very much believe that the commission should be activated as soon as this ordinance is activated if, in fact, it passes today. Council should get interim informal reports from this commission if they feel that it's necessary.

So, I'd like to move this amendment, Mr. President.

Mr. Onorato seconded the motion.

Mr. Ricciardi:

Mr. President, I welcome the amendment and I would like to thank Mr. Dan Cohen for sharing it with the sponsors of the bill, Mr. Onorato and myself. I think it's well thought out. I think it's sort of a safety measure, a safety gauge, in order to see if the bill, number one, is working, is being effective, and definitely being applied fairly.

So I want to thank Mr. Cohen for putting forth the amendment.

Mr. Smith:

On the amendment. This amendment

that has a review commission to be formed does not have any empowerment to cease if the statistics that it compiles shows that it is used in an unfair, unequitable manner. This is just a commission that will compile statistics to which any clerk in the City of Pittsburgh would have the capability of placing the numbers on a Lotus program and presenting the same information.

It is not empowered from what is here to go to the Public Safety Department and point out the errors during the course of the implementation of this law. It is to produce a report at the end of 12 months. I do not find that this does anything to waylay my fears. It does not empower someone to stop it during the course of the 12 month trial period. And thank God we did not try a 12 month trial period with the Bill of Rights.

I cannot support this amendment because I do not feel that it does anything. It is fluff. There is no substance to it. And I will be voting no.

Mr. Cohen:

With all due respect to my colleague, Christopher Smith, I disagree with him. I think that this actually gives this commission great power and it is not a statistic compiling commission at all. There's nothing in here that says that. In fact, it says that it will be established to review, I'm reading from the amendment, to review the ordinance to assess whether it is applied in a manner that does not discriminate on the basis of race, and to determine whether the ordinance is effective in reducing incidences of public trafficking of drugs.

That is a judgement and we will be putting our trust in their judgement. It doesn't say anything about compiling statistics, which I assume actually would be the first step towards that process. But we would actually be asking their judgement on whether or not this is effective

and whether or not it's discriminatory.

I would be happy to receive a friendly amendment for them to give us interim reports as well, and perhaps not a report, as I said in my statement, not a report only at the end of the year.

So, I will be happy to amend this to be able to have quarterly reports. To do that, of course, we would have to suspend the rules for a written amendment and I would like to make a motion to suspend the rules so that we can make that friendly amendment.

Michelle Madoff seconded the motion.

Mr. Cohen:

Mr. President, I believe what we have to do is suspend the rules to be able to have an oral amendment, and then vote on the oral amendment that they report to us quarterly, not just at the end of the year because I think that's a good suggestion.

The Chair, Pro tem:

Is there any further discussion on the motion?

And on the question, shall the motion pass finally?

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen

Mr. Ferio

Michelle Madoff

AYES 6

Mr. O'Connor

Mr. Onorato

Mr. Ricciardi

NOES 2

(MR. SMITH AND MR. DARKINS VOTING NO)

And a majority of the votes of Council being in the affirmative, the motion was approved.

Mr. Cohen:

Mr. President, on the amendment. The very last sentence says, "This independent commission shall submit to City Council within 30 days after the expiration of the trial period a report and recommendation whether to re-enact the ordinance."

What I'd like to do is amend it to say, "Shall submit to Council quarterly and within 30 days after the expiration."

Mr. Onorato seconded the motion.

Mr. Smith:

I vote no.

The Chair, Pro tem:

I join my colleague, Christopher Smith, on a no vote.

WHICH MOTION PREVAILED.

The Chair, Pro tem:

On the whole amendment. I still have some discussion on this amendment. I never got a chance to come forth and voice my sentiments and I want to talk about it now.

I believe this is the wrong legislation for youth problems in our City. And like many other cities, we are trying to come up with a solution for youth violence. But the right to walk the streets or to meet public with friends is an essential element

of life in a free and orderly society.

Juveniles have many good reasons to be on the street at night. We have just approved and gave money for midnight basketball. How will this legislation impact that? Are we sending the wrong message to our youth and to our people?

This curfew will not only serve to oppose good kids, and will have no effect on crime. Thousands of these innocent juveniles will be prisoners at night in their homes.

I believe the answer to the crime problem can be found in enforcement of criminal law, the rehabilitation of drugs and offenders and an attack on the social problems.

We need to create family and friends and communities and I am going to be voting no today.

Michelle Madoff:

Let's vote on the amendment and then we'll talk about the bill.

Mr. Cohen:

On the commission.

The Chair, Pro tem:

Is there any further discussion on the amendment?

And on the question, "Shall the amendment pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen

Mr. Onorato

Michelle Madoff
Mr. O'Connor

Mr. Ricciardi

AYES 5

NOES 3

VOTING NO:

Mr. Ferlo
Mr. Smith

Mr. Darkins
(Pres't Pro tem)

And a majority of the votes of Council being in the affirmative, the amendment was approved.

Mr. Onorato:

A lot has been stated in the media, by talks shows, paper, whatever, of the last seven days since our preliminary vote. The one issue or the few issues that I do not see coming up in this discussion is the history of this bill, from when it was introduced by Councilman Ricciardi, to when I got involved, to the draft that we voted on last Wednesday.

This was not a bill that was drafted in a matter of two days and brought to this Council to hurry up just to get a publicity hit. This thing is over a year old. It went through three revisions. It went through two public hearings. It went through a Committee Meeting in Council Chambers, another meeting in this body here, with an effort made to get representatives from all the communities, the African American communities, the White communities, the poor, the rich, the middle class. There was an effort made. There was input given from all those individuals that went into the drafting of this piece of legislation.

The final draft which is in front of us today was a lot of hard work from a lot of individuals. I won't say that it was unanimous but it was discussion and input that was very sensitive and that's why the bill looks drastically

different today than the original bill that was introduced because there were a lot of problems with the first bill that was introduced.

I would think that three or four of the aye votes today probably wouldn't have voted for the original bill. But we went through the process, we got the input, and we arrived at today.

I resent the fact that a lot of people portraying this as we are just going to start picking up innocent kids. First of all, you cannot be picked up for loitering. This is not an anti-loitering bill. This is an anti-drug loitering bill. This no longer is a bill that arrests individuals because of how they look or what they're wearing. That has all been removed. This is now based on action. And this is based on giving the police officer some discretion. People shudder when they hear that, like it's a new concept. We do that every day with the police officers. They have to observe individuals driving down the street that go over the yellow line. They have to make a judgement call. Is that person intoxicated? What's the problem?

We have to give the police some kind of judgement to make their decisions. Are they going to make the right decision all the time? No, and we all know that. Are some innocent kids going to get caught in the web? Probably, just like they do with other laws that we have. That's why we have a court system. That's why we have checks and balances. But, the issue we have in front of us today is that we have a City crying out for this body to do something. Sure, we can sit here and say let's wait for the state to give us this. Let's wait for the state to give us a work corps. Let's wait for the federal government to come in and do something. Everyone knows that City Council cannot trigger those events. We can scream and we can send letters to the Reps. We can travel to Harrisburg. We can travel to Washington, D.C. But that does not mean we're going to get what we want.

I'm faced with the decision of doing something in the position that I hold. I'm an elected official in the City of Pittsburgh and I can pass laws that affect this body. I got involved when I saw Councilman Ricciardi's bill and I asked to co-sponsor it if he was willing to let me make certain adjustments, and he was more than willing. He was more than willing to participate and take input from the residents of this City.

As Councilman Cohen mentioned, there was discussion with Dr. Leon Haley. There was discussion with Reverend Smith. The African American is a lot like the White community. There's not going to be 100 percent support one way or the other on this bill. It's a mixed community and there's mixed feelings on this issue from all walks of life.

The point that we have to deal with today is, what do we do with the drug problem? I say that we can no longer wait for those outside sources to come in. This is an anti-drug loitering bill. We heard of 33 hot spots; there's probably more than 33 hot spots. And they're not all in one type of neighborhood. They're in all of our neighborhoods. I've got them scattered through my neighborhood. They're scattered through every one of our districts.

The problem is, we've got to do something. Let's try this. Never, never do I hear mentioned in the letter that Mr. Ferio will read or the editorials that we put a 12 month test period. That is so critical in this bill that wasn't in there. This is only for 12 months. In 12 months, if we are totally wrong, and you can come forward with this amendment which is why I think the amendment is critical and does have power, because this amendment is going to monitor the stats that even a clerk could do, but it won't be coming from the Police Department, it's going to be coming from an independent source, to monitor the arrests and see what's going on. In 12

months or in the first quarter, if someone says, "Look, all the arrests are taking place in this particular corner, it's all against this particular type of individual", well then we can say, "Wait, there might be a problem." But the thing is, we recognize that there could be a problem with this type of bill and we put in precautions to test it.

It's a 12 month period and, after 12 months, this is no longer a law in the City of Pittsburgh. It's going to take another vote by this Council to make this active again in this City. And if this commission shows us results that are disturbing to the press, that are disturbing to us individually, I can guarantee you, you're not going to find five votes on this Council.

The point is, we're making a point to go forward. We are not trampling on individual rights. I refuse to accept that argument because as I sit here every day and I watch the 6:00 and 11:00 news and I see the rights being trampled every day by a drive by shooting, by a robbery, by whatever you want to call it. We have shut-ins across this City that are capable of walking out their front door but they don't walk out their front door because it's dangerous. It's about time we admit that and we try something, and we send a loud signal to Harrisburg and Washington. If you're not going to help us, we'll do whatever we have to do to save the City.

Mr. Ricciardi:

I'll be very short since I did have some initial remarks. Let me just say that neighborhoods in my district, Block Watch leaders are crying out for this legislation. I'll say this publicly, especially my Hilltop communities led by Reverend Jonathan Linman. The Block Watch leaders and community leaders of Beltzhoover, Knoxville and Allentown, have endorsed this proposal. There is open air drug markets in certain neighborhoods in my district, and we're tired of it. We're sick of it. It hasn't

been able to stop under the so-called old laws or the laws we already have on the books. And I'm putting my faith, and I'm banking on Chief Earl Buford who says that this is an additional tool.

When you have open air drug markets, not only does it affect the safety of your neighborhoods, but it is definitely a blight and it definitely affects economic development and people investing in their neighborhoods. Small businesses turn away. Businesses that are already there are leaving. Businesses that are already there are closing early.

As Mr. Onorato has stated, some people are actually bound to their homes because no way do they dare walk the streets in certain neighborhoods.

All I'm going to say is that Tom Barnes from the Pittsburgh Post Gazette did a very good piece, and there's a city in Florida that says that the city's law has been effective largely eliminating several notorious open air drug markets. We haven't eliminated one here in the City of Pittsburgh. I remember when I first got here the number was 10, then 15, last year 25. We're on 33. We haven't eliminated one. But this city has nearly eliminated all of them. As a matter of fact, it continues to say that they've cut street sales of drugs significantly. What have we cut here in the City of Pittsburgh? Very little, if none, of the sophisticated open air drug markets here in the City of Pittsburgh.

I feel very comfortable voting on this bill. I believe it's going to withstand the constitutional test. As I've stated, and I support Mr. Bob O'Connor's comments, we really welcome the ACLU's threat to sue because they'll now give us the ability to say that we were right, that we can now continue on this road. Thank you.

Mr. Ferlo:

Mr. President and Members of Council, I greatly respect the views offered by Mr. Onorato, Mr. Ricciardi and others who are in favor and have actually spent a lot of time crafting this ordinance. But respectfully, I do object and oppose this legislation and I want to be very clear for the record why it is that I oppose this.

In voting no, I am aware that my opposition to the anti-loitering legislation may not enjoy popular support. With media sensationalization of gang violence on our streets, many City residents and community groups are looking for quick solutions and strongly support any measures which they perceive will remove problematic youths and drug traffickers from our streets and our neighborhoods.

My tenure on City Council has demonstrated my commitment to the fight against drug abuse and illegal drug activities. As an elected official, I have organized anti-drug rallies, fought nuisance bars, established Block Watch committees, and closed down crack houses. However, I am in total opposition to this misguided ordinance.

Although the goal of the legislation reducing open and on-street drug trafficking is clearly a laudible goal, I am fearful that in implementation the ordinance will intrude on the rights of law abiding residents and further victimize minority residents here in the City of Pittsburgh.

Unfortunately, the legislation criminalizes lawful activities which can arbitrarily be characterized as "suspicious conduct". The effect of the implementation of this ordinance will be to redirect police officers from targeted enforcement activities that lead to real arrests with real convictions for a media

focus clean sweep of certain drug corners, such as the Operation Weed and Seed Program, with the likelihood of involving innocent bystanders and residents.

Under the so-called anti-loitering ordinance that we're discussing, police are empowered to issue citations. Remember, this revised bill removes the arrest function so police are empowered to issue citations to anyone "believed to be loitering with the intent to engage in drug related activity". Although the ordinance lists several factors to assist police in determining whether individuals are manifesting an illegal intent, it clearly states that police are not limited to utilizing the listed factors that are mentioned in the ordinance. Therefore, the police are absolutely free to use whatever factors they desire in determining whether they should believe an individual is manifesting an illegal intent.

Although we do have a fine police force, the ordinance unfortunately leaves far too much discretion to the individual police officer and may allow personal biases, prejudices, or stereotypes to determine whether an individual or a group of individuals is engaged in criminal activity.

As Solicitor Conturo points out in her July 9, 1993 memorandum, police officers "should not be left with the unguided task of differentiating between constitutionally protected street encounters and acts reflecting the state of mind to make an arrest." We should not be placing our police officers in the middle of a legal morass.

The anti-loitering ordinance grants police the freedom to deem illegal totally innocent law abiding behavior. For example, the mere presence of a person or persons in an area known by public reputé to be an area of unlawful drug use and trafficking or so-called violent activity.

Thus, residents in such a neighborhood as Northview Heights waiting for a bus, or in Garfield Heights in my district, may by the mere presence in their own neighborhood be in violation of the ordinance, even though they are only exchanging pleasantries with a neighbor on the street.

The ordinance also limits the rights of those previously convicted of crimes to engage in non-criminal activity, and could possibly make it illegal for someone to give money to a homeless person on the street.

It is no surprise, in light of the anti-loitering ordinance's numerous legal problems, that Solicitor Conturo stated in her July 9, 1993 memorandum that "we are not assured that the ordinance can be drafted to survive constitutional challenge". In this scenario, the ACLU's promised legal action to enjoin enforcement of the ordinance was also no surprise. What is surprising is the plan of this Council to implement such constitutionally infirm legislation despite very recent case law which found similar legislation unconstitutional in Florida.

I believe the bill's sponsors have inadvertently created more legal problems with the final version of the bill. The mechanics of a police officer issuing citations, that is, an officer writing out a ticket pursuant to this ordinance for a summary offense, will create too many instances for confusion and second guessing. In the many instances where individuals will not have or will not admit to having an I.D., identification, which is also their constitutional right not necessarily to have I.D., are officers then supposed to step over the summary action motion and make a full scale arrest including possibly an unwarranted search?

My greatest fear about this legislation, and I'm upset about the legal issues but I'm more concerned about the impact of the legislation in

terms of the police and the livability here in the City of Pittsburgh. My greatest fear about this legislation is that it will polarize the City and unnecessarily increase racial tensions and, in fact, be counter-productive.

You know, we talk about creating a commission to review the analysis. Let's review what we already know about drug arrests. Statistics already clearly demonstrate that African American males suffer disproportionately a high arrest, conviction and incarceration rates throughout the United States and in Pittsburgh. Recent studies from other municipalities which have enacted anti-loitering legislation demonstrate that such laws are disproportionately enforced against minorities. It is clear to me that young African American males will unfairly be the targets of this ordinance. The City needs to improve race relations, not legislated deteriorated of such relations.

Although law enforcement officials says Blacks and Whites use drugs at nearly the same rate, a USA Today computer analysis, in their issue of a week ago, July 23-25, the computer analysis of 1991 drug arrests around the country found that the war on drugs has in most places been fought mainly against Blacks. The decade-old war against drugs, the largest and costliest mobilization against crime in our history, routinely has not paid as much attention to drug abuse and use and dealing where it happens most, and that is, quite frankly, within the White community. The USA Today analysis listed Pittsburgh with an overall population of 372,000 with an estimated 26 percent African American population, where they concluded that 1991 arrest records document that African Americans in Pittsburgh are arrested at a rate 14 times as high as Whites.

The ordinance is a political placebo. It's sugar coating a more complicated problem with an illusionary quick-fix cure. We should not

harrass and penalize large segments of our City youth because of the actions of a small criminal minority.

The Pennsylvania Crimes Code already contains statutes which provide police the tools to deal with drug trafficking. The anti-loitering legislation is a mis-guided approach towards dealing with drug trafficking. It will merely encourage displacement activity. We have no more to look than the Weed and Seed experience in the Hill District. It will merely encourage displacement activity. Open drug trafficking will merely move from one corner to another or from one neighborhood to another.

To effectively deal with drug trafficking, we need meaningful prosecution with meaningful conviction and sentencing based on good old fashioned police work like surveillance and undercover work. We need to expand directed community-oriented policing in problem drug areas, and organize community input to help our police. We need to provide additional training to these officers, and we must first evaluate their effectiveness before we move to this unnecessary measure. We need to weed out good kids from the criminal element by planting the seeds of expanded recreation, education, job opportunities and alternatives to a criminal environment here in our City.

We must demand that County, State and Federal law enforcement officials identify and prosecute suspected gang leaders who are involved in drugs, crime and terror. They can convene a grand jury for possible ticket-fixing, but they can't convene a grand jury for drug gang terror and violence.

Look at the FBI. I'm not condoning anything regarding traffic fixing tickets or citations or anything that's alleged, but here we have an FBI that raided stuff and put cameras in the courtroom upstairs in Judges' chambers, went

to people's homes and went above and beyond the call of duty for traffic tickets. I'm not condoning traffic ticket fixing but there's a hell of a lot of difference between what's going on in our community and the gang-related activity in terms of the violence and ticket fixing. And look at the level of financial resources and federal resources on that kind of an issue when we're crying out that there should be an equal commitment by the local District Attorney and the FBI and the Federal Attorney General, and there's not. And that's where they should direct their efforts.

I just want to say one thing also. They can identify the names and identities of many of these young people involved in these gangs and I believe very strongly there are no secrets to law enforcement officials. The one benefit that we have being in Pittsburgh as opposed to L.A., New York, and a lot of other bigger cities is that there are no secrets. With proper community oriented policing initiatives and with the Block Watch organization working, as Reverend Darkins talks about, working with the community, we can identify, we know what kids are involved in this crime activity and we know what criminals are involved. Let's identify the individuals. Let's convene a grand jury and let's actually prosecute these individuals.

What we don't need in the City of Pittsburgh is a short-sighted, unconstitutional piece of legislation which will unfairly punish the community which is already most victimized by illegal drug trafficking.

I'm opposed to this legislation and I would ask that Councilmembers please reconsider their support.

Michelle Madoff:

I think that was one of the best, most impassioned presentations I've heard in many a moon. On the surface, one would say it makes

some sense and we ought to listen.

But the fact remains that the Afro-American community is calling me, and I'm sure they're calling many of my colleagues saying please, give us either a curfew or an anti-drug loitering bill. As a matter of fact, they've confused the two. They want something.

The people who are the most victimized, while they may indeed be Afro-American males, live in a community of Afro-American families and single parent homes. Talk about our communities not being able to leave our homes, they can't walk out in the street. They don't know whether a random bullet is going to kill their kid.

We are at war. Take the blindfolds off. We are at war and it is not going to get better unless we do something about it.

I agree with my colleague, Mr. Ferio, that we need positive alternatives. I talked about that during my presentation of the curfew bill. We need to open the schools. We need to have mentoring programs with corporations and all kinds of viable alternatives. It would not cost us a lot of money and would probably be less costly than the havoc the crime is causing.

Unfortunately, in the 15-1/2 years that I've been here, and I must admit that things are much worse in the last few years with what is happening on the street and particularly in the last year, we don't have time to waste. Any one of us, including the media who write those editorials, could walk down the street and, because somebody has to have a fix and needs drugs, could get shot. Their children could be shot. And then wait and see how their editorials change. See how their views change.

What about the rights of the victims? What about the people who live in the community? What about the people who live in

housing project? What about the people who live in Westgate who have bullets flying over senior citizens homes because it's how out and the doors are open, and mothers pulling their children under cars? What about them?

I think we have to do something. We have to do it now. And if we don't do it, things are going to get so bad that we won't even be able to pick up the pieces.

I am really not thrilled about this drug anti-loitering bill. My colleagues know that. But I'm voting for it because I believe, if it is found by the ACLU and they prove their point that it is not a legal bill, I believe that my colleagues will vote for a proven bill which is the curfew bill.

But, as Mr. Ricciardi said to me yesterday, maybe we need both. Maybe one is part of another.

But more important, we are not getting the kind of support, we do not have the kind of leadership that is going to do anything about the crisis of the war in the streets. The bombs are going off, the bullets are flying, and we cannot sit back. I remember when I said let's call in the National Guard. The papers laughed at me. The public didn't laugh. The public is calling. How many calls have you had? I get them at my house. Everywhere I go people stop me and say, "I'm glad you're voting for the bill because it's something we need."

I think it will lead to the very next step and I think that will be to do something about our youth and giving them alternatives.

I think we have to vote for this bill today and get started with something to try to control this horror in the streets.

Mr. Smith:

I am still in opposition of this bill. It is too subjective. I believe that what we are doing is ignoring the reality. Freedom's price is constant vigilance.

We have numbers from other cities that have instituted an anti-loitering law. In Tacoma, 91 percent of those arrested were minorities, while they only make up a total of 3 percent of the population in the state.

I think that what we are about to do is blame someone for the tough economic times that we are presently facing.

In 1990 when the law was passed in Seattle, Washington, 60 percent of the people arrested were African American, while they only represent 3.1 percent of the population of the State of Washington.

I had an experience this Friday in which I had the honor and the privilege to go to the Holocaust Museum in Washington, D.C. I learned an awful lot about people losing their freedom and their rights in a society.

This Council has attempted in the past to create what I perceive as a work camp atmosphere. We are presently building the largest concentration camp in Western Pennsylvania right here in District 6. I perceive that when we deny the rights of individuals at the perceived benefit of the entire society, we are doing nothing more than what Hitler told the German population that it is better that we pick up and remove a certain portion of the population for the betterment of the fatherland.

I basically perceive this law as a tool that can be misused. It will most definitely be misused because the perception, as my colleague, Mr. Ferlo, pointed out, the arrests in

this City already have a slant towards a minority group while we do not represent a majority of the population.

This particular piece of legislation does nothing more than remove the need for probable cause. It will lead to the arrests of individuals. If we have a 12 month order on it, that is the same as Marshall Law. If it were valid, if it were equitable, if it were fair, we would not have imposed a 12 month minimum for a review.

May I remind you that Hitler's concentration camps were reviewed by independent bodies to see if there was killing going on, if the people were being treated fairly and justly. And if I remember correctly, they reported back that they found nothing unfair or unjust in the concentration camps that they visited.

All we are doing is allowing someone to remove probable cause. We have laws on the books to address all drug issues. And if we indeed want to create Marshall Law and round up people, because we will escalate, it will not be stopped, just a stopping and asking for I.D. to write a summary offense. It will escalate. There will be charges that will go on people's records that will then permanently follow them for the rest of their lives.

And I must warn everyone that when we give up the rights to walk, to meet, together, which is what we have fought for for the freedom of this nation, not once but twice in our history, and fought for the world to follow our pattern twice in this century alone, that we cannot give up those rights when we know that they will not be used fairly or equitably in this society. If our goal is to fill up the 1,300 new cells, then this is a perfect piece of legislation to incarcerate more people. But when you serve 90 days imprisonment for loitering, and there are people who have shot and killed people and done less

time in a prison cell, I do not find it fair or just in it's penalty.

I am almost positive from all the other statistics that we have seen that it will not be equitably enforced and I will be voting today against this bill because I feel that we must protect the rights of all citizens from any piece of legislation that would do harm to our freedom.

Mr. Cohen:

Mr. President, briefly. I think everybody here on City Council is struggling with their conscience and has been for the last year on this bill in trying to attempt to do what is right. But I think to compare this bill to Hitler and the Holocaust is offensive. And to compare it to a time when there was intentionally a rounding up of six million people who were put to their deaths is not a comparison that should be made at this table and I find it personally offensive.

Mr. Onorato:

I want to echo Councilman Cohen. I find that rationale that I just heard highly offensive.

I think that we can deal with the racial issues. If there's some tension, that's fine. But don't compare me or my colleagues on this body to Nazi Germany.

And if that was a ploy, because there happens to be two individuals on this body that happen to be of the Jewish religion to intimidate their vote, that I highly resent because we are not Nazi Germany.

We are trying to deal with an issue. And let's talk about the issue right now in the White and Black neighborhoods. Right now, the African American community is under seige. There are killings taking place in those neighborhoods today. Of course we can state the

facts. I'm not saying that's right or wrong and who is doing it. But we know the facts. The facts are, the shootings are taking place there now.

I represent Northview Heights. I noticed that was in Councilman Ferlo's report here. He mentioned Northview Heights. I don't know why that one was picked out of all the public housing communities that we have. But let me tell you this, I go up to Northview Heights on a monthly basis and I deal with the tenant council, and I have support from individuals up there, from the citizen council, the tenant council, individuals who live up there, that will say to me, "Something has to be done up here."

And are we doing positive things? Sure. We have a Midnight Basketball League in Northview Heights. We have a Summer Midget Football League down at Oliver High School dealing with the Marshall Shadeland area. We're starting Midnight Basketball Leagues throughout three other communities. This City is doing everything. We have day camps. We have projects and we spend millions every year on summer youth.

To try to smear this issue over a White/Black issue is ridiculous. We took every precaution we could. And if in 12 months I'm proven wrong, I'll stand up and say it publicly. But don't you dare say that we're rounding up people and throwing them in there like Adolph Hitler. That is a disgrace. And as a White Italian American, I take that as a big insult to even compare that. I worked for over 12 months on this bill and I represent the Black communities as much as the White communities in my district which is almost 25 percent African American.

Mr. O'Connor:

I just want to mention my support of this bill. And while we're on it, I noticed in last night's television news reports that Etna, Sharpsburg,

were showing the problems of loitering of young people and I noticed they were all White teenagers. So I hope this does not become a Black/White issue.

One of the biggest complaints I've had in recent weeks in Squirrel Hill was Friday evenings people are getting afraid to walk to Synagogue because of groups of White teenagers loitering on Murray Avenue.

So, although it just addresses just the drug corners, there's a fear of all young people right now and I think we have to take back our streets.

I'm supporting this because I hope it sends a message to Harrisburg and Washington. I think what Councilman Smith said before, the other day he mentioned that the real root of our problem is jobs, and we're not going to solve that problem in this Council. But we have to start somewhere to send a message.

You did mention, and I support, Midnight Basketball and all the programs we have. But how about the child that tells his mother he's going to Midnight Basketball and at 2:00 in the morning may be picked up on a drug corner or given a citation for being on a drug corner? I would rather have my son come home with a citation from being in the wrong place, even if he was innocently there, than to come home by a misguided bullet that so many of our youngsters are coming home with. I think most of the parents would support that if they look at it broadly and openly, to please send my child home with a citation and I'll pay the fine and I'll get him off that corner, rather than bring him home or have a hospital or a policeman call that it's much more tragic.

We have to start stopping the violence somehow and this is a small point in the right direction.

Michelle Madoff:

You know, there's so much impassioned, honest soul-searching going on here. But the really sad part is that the politically incorrect thing is really the answer. You know, they talk about decriminalizing drugs. Well, that's just another name for legalizing. And frankly, maybe it's time to legalize drugs. I know that we talk about the separation of Church and State. I think the general consensus of the Church does not want to legalize drugs and there are all kinds of studies that say we'll create more addicts, etc. But the fact is, they will not shoot my child or me in the attempt to get a fix.

We've got to have courage on this Council to try to do something. This may not be the perfect answer, but it is something. We better do something and do it now. And we better start thinking about getting some tax dollars to do all these things that we want to do, create jobs for our youth, open up programs that will help our kids after school, latch key kids, give them training in computers, etc., etc. And were better a place to get those fundings than to legalize drugs and make the profits out of the tax revenues that it would generate.

But no one on this Council, I think, other than myself, maybe Mr. Ferlo, I don't know, would vote for decriminalizing drugs. And certainly that's just another word for legalizing them. That's where we really ought to be going. But everybody is afraid for whatever personal reasons to do that. Or maybe believes that it's the wrong thing to do. Everybody who has a point of view will give you a study to back up their point of view.

One last thing that I want to say to my two Afro-American colleagues. You may remember that the placing on the ballot of Election by District was mine. I have certainly never been regarded in any way as a racist. And I would

point out that while it is true that perhaps most of the arrests are being made in the Afro-American communities, the people who are suffering the most are the residents and the children and the families and the mothers who cannot leave that area, cannot leave their homes. They are prisoners. And I think we better get on with voting for this.

Mr. Ricciardi:

Mr. President and colleagues, I would just like to say as a co-sponsor of the legislation before us and as a supporter of the bill, I'm going to be hopefully watching and working very closely with the Overview Board that Mr. Cohen has established and the Public Safety officials. I, in no way, want this bill to be a mechanism to harrass any person or any group or any neighborhood. Does that mean I really care who gets arrested under this bill? No, I don't care what race, what neighborhood, what gender, what nationality, what creed they are. If they're breaking the law, if they're dealing with drugs, or they're engaging to loiter to sell drugs, I want them arrested.

Let me also say that in terms of numbers representing the African American community, I represent the third largest concentration of African American taxpayers and residents in the City of Pittsburgh. After Mr. Darkins, I believe the percentages are 80/20. My dear friend, Mr. Smith, who I believe the percentages are 65/35. And I at 35 percent. I've received overwhelming support in a predominantly African American neighborhood, the neighborhood of Beltzhoover in my district, for this bill, and I feel very comfortable in supporting this bill.

Once again, going back to the transcripts and following Chief Buford's comments, taken off the beginning, "There is a bigger picture. There is a silent majority of African Americans throughout the City who call me constantly

complaining about the open drug markets within the City, and particularly the African American communities." These are calls that Chief Buford receives. "I believe that we have a professional Police Department who could institute this type of law. This is a vehicle that is needed. It is not the catch-all to everything, but it is a vehicle that we need to stop the open drug markets throughout the City, in particularly the African American communities." Quotes from Chief Earl Buford.

Just in ending, I would just like to say that I believe this legislation is intended as a modest step towards winning the battle for our neighborhoods.

Thank you, Mr. Darkins.

The Chair, Pro tem:

I would like for it to be a part of the record today in regards to listening to Councilwoman Madoff and my colleagues on Council speak in regards to this legislation, and it is a touchy legislation. But yet, and still, and I would not take a defensive role here at all. I just want to make it known that when we speak in terms of our young people, and I heard Councilwoman Madoff speak about the African American community, with me I see no color.

She said also that she had received numerous calls from the African American community. Well, just this morning at 3:00, I received a call from the European community in regards to one of their young people that was arrested falsely.

I say to my colleagues on Council, unless you have really experienced this type of trauma, it's alright to get the calls in regards to this bill, but have you ever had that experience at two or three in the morning where someone has been falsely arrested? Have you had that experience that you

actually have gone down to an arraignment and spoke to the Magistrates who are sitting to bring them out on an O.R. bond because the families cannot afford a \$5,000 straight bond?

These are some of the things that you have to take into consideration. It's not all drug trafficking. It's not all about that. And mind you, when I speak about two and three in the morning, the arrest was made approximately around about 9:00 or 10:00 in the evening. So I think there's much to be considered.

Mr. Smith:

I'd like my remarks brought forward on Bill No. 740.

(REMARKS ON FOLLOWING PAGES)

(BEGINNING - MR. SMITH'S COMMENTS ON BILL NO. 740, WEDNESDAY, 7/28/93)

Mr. Smith:

Yes, on the bill. This was introduced before I became a city councilman and I have spent time reviewing the original legislation and the changes that occurred and I have some quick questions. This is a summary offense?

Dir. DiNardo:

That's right.

Mr. Smith:

It is a citation?

Dir. DiNardo:

That's correct.

Mr. Smith:

Do we have summary offenses that bear a jail sentence in the City of Pittsburgh?

Dir. DiNardo:

The language in summary offenses indicate that the fine could be up to \$300.00 and up to 90 days in jail.

Mr. Smith:

For a summary offense. Can we arrest summary offense individuals?

Dir. DiNardo:

We were all paying attention through the Dutchko situation over the last two weeks and under the Second Class City Code only if the individual is a danger to the community or a danger to himself or a threat to the officer can that occur.

Mr. Smith:

Subjective views. There is in this bill under 601.19, Subsection B, "no person shall loiter with the intent to engage in drug related activity in or near any thoroughfare". That is a subjective call on someone's part as to whether someone is there for drug-related activity.

Dir. DiNardo:

There's more to it in the legislation.

Mr. Smith:

Subsection No. C, "No citation shall be made under this ordinance unless and until the officer has probable cause to believe that the individual to be cited is loitering with the intent to engage in a drug-related activity. If they have that intent then they either could be arrested for possession, intent to deliver or for having cash under the RICO, could we not if they are arrested and they have large sums of cash?"

Chf. Buford:

Not under a RICO.

Mr. Smith:

In this bill we are giving an officer the burden of memorizing every face that he has ever seen convicted and separating those between the ones he has seen arrested and giving him the power to arrest under his memory and his ability for a convicted offense in the past.

Dir. DiNardo:

If he recognizes someone he can then utilize the ordinance, if he does not recognize someone then he cannot. We are not asking him to memorize everybody.

Mr. Smith:

No, but I think that this is very subjective at this point because if I have committed a crime I have been convicted I have served my time, am I still being held accountable for a crime to which I have served my time just because someone remembers my face two years later?

Dir. DiNardo:

No. If you are loitering for the purposes of engaging in drug-related activities.

Mr. Smith:

That's a subjective moment.

In this legislation they give an example such as needle tracks. Does that mean that the police are being given the opportunity to review my body in a detained manner because I don't see how needle tracks on someone's arms would be a visible

means -- I'm sure you can tell I'm not in favor of this legislation.

Dir. DiNardo:

That's pretty clear.

Mr. Smith:

Next, we have a subsection here that says they can arrest any person which is currently subject to a court order or an administrative order of parole, probation, bond or sentence prohibiting his or her presence in the high-drug area. I believe we presently have in place a parole officer system that addresses this particular issue and once again we are asking the officers to memorize or to be held liable because a simple mistake cost us \$19,000.00. We are asking their memory to save the city harmless based on a particular incident.

In this there is such persons transfer small objects, packages for currency. Excuse me but that's sale intent and delivery, no need for a loitering law because you have them redhanded if this is a part of that.

I also think the drug sale time, and I am sorry to see that this was one of the amendments that there is a particular time to which we are willing to have streets cleared off and that we would not do it 24 hours a day. I have a couple of questions. Do we have public review of the police?

Dir. DiNardo:

What do you mean?

Mr. Smith:

In terms of a review board of police actions, police complaints. Let's say I file a complaint against an officer, will I be judged by my peers?

Dir. DiNardo:

You will be -- the complainant won't be judged at all, the accused will be and what we have is a grievance arbitration process for administering the discipline of that complaint if that is appropriate. That is a process where the Chief and myself and the FOP and the accused officer meet and go through the charges, our recommendations for discipline and if the officer does not agree with our discipline then they can choose an arbiter and a three-person panel is composed and the City provides a representative, the FOP provides a representative and an impartial third party is selected to sit on the panel and then they sit in judgement of the officer.

Mr. Smith:

So we do not have a civilian review of --

Dir. DiNardo:

-- not at this point. I have a project in our office of professional standards to compile all of the information on civilian reviews from around the country and then by the end of this summer I hope to present something to myself and the Mayor and hopefully Council on our proposal for a civilian review board.

Mr. Smith:

I think that would be commendable and after that occurs I think it would be wonderful to have this sort of a bill.

I think that it's very interesting that my colleagues have basically buried their head in the sand when they say they hope that this will be doled out in a just and equitable manner, that it will not be used racially. I would not even ask for a comment from the two of you but would bear witness to who is in prison and who is arrested as my witness that the system does not always in a fair just and equitable manner dole out justice nor serve the public interest. The city itself is guilty of that and I can point out in all of the different areas in which unfortunately institutionalized racism occurs and we have not developed the tools to stop that in our community.

This trial period to which we wanted to put the legislation in, if we discover that it has been used in an unfair and arbitrary capricious manner, do we erase the records of the individuals who were arrested who have developed some sort of a record even though they may not have been guilty or that the system has misused this and do we hand them back their cash since this is an attempt at a trial period? That is a rhetorical question gentlemen and not designed for you to answer.

Dir. DiNardo:

The answer is no.

Mr. Smith:

I knew the answer was going to be no.

Dir. DiNardo:

Summary violations aren't part of the criminal history records anyway.

Mr. Smith:

My fear is that we will use that to stop individuals and we will develop down the road more charges behind it because I have bear witness to when the response was not the response that individual officers felt was appropriate. We had an escalation and then a series of charges began to role up. It is the fact that we are all human, we all have weaknesses and we all have good days and bad days. My fear is that in my community we will have more bad days than good days. It is my community that's probably the most affected by this particular activity but I believe that to give up the rights of everyone because of a few creates a problem. Without public review of this situation even with a 12-month trial period, I find it difficult to give up those particular rights without the review by some citizens, ordinary citizens to have a right to review any complaints under the usage of this particular ordinance, and I am not an attorney, do not pretend to be one but under my little bit of understanding the tools that you already have in place to arrest individuals in involved in narcotics are there and that I do not see anything above and beyond except the ability to now stop someone earlier in the game before you have any proof to just hope that maybe it will produce the proof that you need down the line. This is not your legislation, I'm not holding you culpable for the legislation.

I have some serious problems. We do need to address at hand and how do we get it off of our streets but this is not a new problem. It has been there, the police and I will put my foot in my mouth -- I have watched the police sit one block from the corner watch an automobile pull up and watch people rush to the cars though they are passing out candy and nothing has been.

Mr. Ricciardi:

With this legislation they will be covered.

Mr. Smith:

You know, if you've got drugs you've got drugs. You don't need to give the idea of someone has stopped somebody or someone is loitering somewhere, no. If you were dealing drugs then they should have a reason to arrest and let's go on with those arrests.

I cannot at this time support this legislation until the City addresses the issue of civilian review of police officers. I think the time frame that was amended I'm sure to appease someone is an absolute joke because I will pick anyone at this Council table up at 7 AM and we can drive up to Centre Avenue and watch the 7 to 3 shift begin to form. So a time frame is totally absurd. I come through there every morning and I can show you where they come in shifts and in fact if I know that

there are scheduled times of arrival, surely our police force does. People do not gather in the droves that they do without knowing there's a time schedule.

I think that you do need tools, I will not stand against any tool that will assist you in cleaning up my neighborhood but this particular tool I believe is too broad, it does not have the proper reviews, it will not protect the rights of citizens who are unduly stopped. It could be Councilman Darkins who has a beeper on his right hip who is not recognized by a police officer under the original legislation who could be stopped and removed from the street.

I see that we have cleaned it up and we have probably cleaned it up to a useless bill. It is use less. I'm very sorry. It has been compromised into a useless bill. I would support many of the things in the original legislation if we had in place a civilian review of the police so that the public could always feel as though they had a way of responding to what they perceived as an unfair or unjust application of the law. So I am basically done, I will not be voting for this bill basically because I feel that it is too broad in terms of not having a review by civilians and I do support the police, I just joined another zone last night but I just cannot enhance. You gentlemen who are the administrators who have the experience and expertise don't have the ability to control on a daily basis individual's moods or the adherence to the letter of the law as opposed to the spirit of the law. We just paid \$19,000.00 for that particular inability, I would be afraid of passing this in its form and its implementation and my community because under this I would probably be stopped because I am constantly out in my district.

(END OF COMMENTS)

PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

The Chair, Pro tem:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Michelle Madoff	Mr. Ricciardi
Mr. O'Connor	

AYES 5 NOES 3

VOTING NO:

Mr. Ferlo	Mr. Darkins
Mr. Smith	(Pres't Pro tem)

And a majority of the votes of Council being in the affirmative, the bill was approved.

Also,

Bill No. 2940

A Resolution entitled, "Resolution amending Resolution 648, effective May 19, 1993, to authorize the City's acceptance of the assignment of the Master Emergency Telecommunications Finance Agreement between the City of Pittsburgh Equipment Leasing Authority and Bell Atlantic TriCon Government Finance, Inc., in connection with the purchase of the City's Automatic Location Identification System at the cost of \$9,574.73 per month, not to exceed \$430,862.85."

Which was read.

The Chair, Pro tem:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Ferlo	Mr. Ricciardi
Michelle Madoff	Mr. Smith
Mr. O'Connor	Mr. Darkins
	(Pres't Pro tem)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

MOTIONS AND RESOLUTIONS

The Chair, Pro tem:

Just before we adjourn, I would like to take this opportunity to extend to all of my colleagues on Council, on Thursday morning at 10:00 your colleague, Duane Adrian Darkins will officially make a public announcement as a Candidate for Mayor of the City of Pittsburgh.

I extend this invitation to my colleagues on Council to be in attendance and anyone else that is in observance of this telecasting that is going on now.

Mr. Smith moved to approve the Minutes of Tuesday, July 6, 1993.

Mr. Cohen seconded the motion.

Which motion prevailed.

Mr. Ricciardi seconded the motion.

Mr. Smith moved to excuse Mr. Wagner for
absence from the meeting.

And on the motion of Mr. Smith

Council adjourned.

MUNICIPAL RECORD

Proceedings of the Council of the City of Pittsburgh

VOL. CXXVII

Tuesday, August 10, 1993

No. 32

Municipal Record

ONE-HUNDRED TWENTY-SEVENTH COUNCIL

JACK WAGNER President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON-WASLER Asst. City Clerk

Pittsburgh, PA
Tuesday, August 10, 1993

PRESENT:

MR. COHEN	MR. ONORATO
MR. DARKINS	MR. RICCIARDI
MR. FERLO	MR. SMITH
MICHELLE MADOFF	MR. WAGNER
MR. O'CONNOR	(Pres't)

The Meeting was opened by the recitation of the Pledge of Allegiance to the Flag of the United States of America, and a moment of silent prayer for peace throughout the world.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Cohen and Mr. O'Connor present

No. 3074 WHEREAS, the Jewish Community Center of Pittsburgh will host the 1993 Jewish Community Center's Regional Maccabi Youth Games from August 22nd through August 26th; and

WHEREAS, the Maccabi Youth Games will bring together over 700 Jewish youth, ages 12 to 16, from around the eastern part of the United States and Canada in a spirit of friendship and common heritage, using sports as a vehicle for the continuous building of their identity, while stressing participation in Jewish social, cultural and educational activities; and

WHEREAS, through the Maccabi Games, these Jewish youth will not only have the unique opportunity to interact and form personal relationships with those in their community, but will have the chance to compete in 11 sporting events.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh acknowledges and commends Maccabi Chairperson Howard Siegel, Program Director Lenny Silberman, and Games Coordinator Bill Cartiff, for their work with, and their commitment to the JCC of Pittsburgh's Maccabi Delegation and, furthermore, wishes the dedicated volunteer coaches and their athletes the very best of luck at the 1993 Jewish

Community Center's Regional Maccabi Youth Games; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare August 22 through August 26, 1993 as "Maccabi Youth Games Days" in the City of Pittsburgh.

Mr. Cohen moved to adopt the resolution.

Mr. O'Connor seconded the motion.

Which motion prevailed.

Mr. O'Connor:

Before we present the proclamation, we'll let a great athlete in his own right, Councilman Cohen, say a few words.

Mr. Cohen:

Thank you, Councilman. Everybody ran to the microphone except for me on that one. If you had me in these games as an athlete, you'd be in seriously bad shape.

I just wanted to take a moment to congratulate everybody who is involved in the Maccabi Games here. Councilman O'Connor is going to introduce the folks who are here today, but over 700 competitors from all over the Eastern Seaboard and Canada are going to be coming to Pittsburgh to participate in this event. They're going to have healthy competition with winners and losers, but perhaps even more important is the values that are going to be instilled as a result of this five day event, sportspersonship and the values of team work and bonding that comes with athletic events like this.

So, I just wanted to congratulate everybody who has been involved here. I see

Manny Gold who is a community leader and is going to be a presenter of the medals at the Maccabi Games, and Howard Siegel and Bill Cartiff and Lenny Silberman. The others are going to be introduced here but congratulations on a terrific event and I hope that it goes very, very well.

Speaker:

I would like to thank Councilman O'Connor and Councilman Cohen for sponsorship of the games and this proclamation.

I'd like to introduce very quickly the people who are with me. As you mentioned, Manny Gold who represents aside from the many hundreds of volunteers that we have, the Western Pennsylvania Sports Hall of Fame who is a tremendous supporter of the games every year. Although we have hundreds of athletes, many of them need to be scholarshipped and so forth and the Sports Hall of Fame as well as a lot of corporations in the City help sponsor those athletes.

Brenda is the assistant to Billy Cartiff. She's a secretary and helps organize the games. Sarah Farkus is a volunteer and has given up her free time during the summer to help work and develop the games. Billy Cartiff is the Games Coordinator, full-time staff person at the Jewish Community Center. And Ellen Wedner is his Games Coordinator Assistant. And Louis Goldhaber is one of the athletes participating in basketball.

Councilman O'Connor and Councilman Cohen mentioned some of the reasons for the games and the camaraderie and so forth. I just personally right now want to thank, we've been planning this for over a year and the response from the people in the City has been tremendous. It's always the behind the scenes that people don't get to see that puts together these kind of

activities.

I've been very active in contacting the City officials and the Parks and Recreation Department and all different organizations and committees throughout the City to get some kind of advice and some help, and the response has been tremendous.

I personally want to thank all of those City committees and organizations and the people in them that have helped out. The behind the scenes is most important and we got a tremendous response.

Again, thank you very much and the opening ceremonies, by the way, are Sunday evening, August 22nd at the Palumbo Center. It's a real great event and tickets are free and you're all welcome to attend. Thank you.

Mr. Cohen and All Members of Council present

No. 3075 WHEREAS, the 25th International Chemistry Olympiad took place in Perugia, Italy on July 10-21, 1993 and is aimed at identifying the best high school chemistry students in the world through a four member team competition that consists of challenging written and laboratory testing in all areas of chemistry; and

WHEREAS, David Hutz participated in the competition with 152 students from 38 countries from around the world and helped the United States team place third in the competition; and

WHEREAS, David Hutz won the silver medal and is only the second Pittsburgh area medal winner in the Olympiad's 25 year history.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of

Pittsburgh congratulates David Hutz for winning a silver medal in the International Chemistry Olympiad and wishes him the best of luck in his education at Harvard University where he will major in Science; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh proclaims August 12, 1993 to be "David Hutz Day" in the City of Pittsburgh.

Mr. Cohen moved to adopt the resolution.

Mr. Ferlo seconded the motion.

Which motion prevailed.

Mr. Darkins presents

No. 3076 WHEREAS, Wallie Clark, Sr., is the owner of Clark Sanitation Services, a garbage and rubbish removal company here in Pittsburgh. Mr. Clark has been in business since 1960; and

WHEREAS, Annie M. Clark is a homemaker, and an active member of church and volunteer of MUSA Center as a cook and helper feeding the hungry; and

WHEREAS, Wallie Clark and Annie M. Clark were married on July 7, 1942 in Florence, South Carolina and raised six children: Eugene Clark, Wallie Clark, Jr., Cathleen White, Dennis Clark, Jackson Clark and Harristine Clark.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh congratulates Wallie and Annie M. Clark on their 50th Wedding Anniversary and commends them for their ongoing service to Pittsburgh and the Homewood community, and declares July 7, 1993 as "Wallie and Annie M. Clark Day" in the City of Pittsburgh.

Mr. Darkins moved to adopt the resolution.

Mr. Ferlo seconded the motion.

Which motion prevailed.

Mr. Onorato presents

No. 3077 WHEREAS, Mr. Fred Zangaro has been the President of the 27th Ward Girls' Softball League for five years; and

WHEREAS, the 27th Ward Girls' Softball League includes five pee wee teams, six minor league teams, five major league teams, four traveling all-star teams, and one tournament team. Approximately 275 girls participate in the 27th Ward Girls' Softball League; and

WHEREAS, the duties which Mr. Zangaro has carried out for five years are to administer and oversee the drafting of all teams, both in-house and traveling, purchasing and distribution of uniforms and equipment, handling of all finances including fundraisers and payments to referees and securing field permits, scheduling of games, establish rules and regulations for the well-being of all involved, and to preside over coachs' meetings inclusive of all leagues; and

WHEREAS, Mr. Zangaro has also personally coached a major team, girls ages 12-15 and the 12 and under traveling all-start team; and

WHEREAS, Mr. Zangaro has graciously volunteered for five years as President of the 27th Ward Girls' Softball Team at no personal gain to himself. As a result of his efforts, the girls in the softball league have learned and improved the many skills needed to play as a contributing member of a team, and above all, they have learned through their participation a great sense of accomplishment and self-worth.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh recognizes the years of dedication, hard work and effort put forth by Mr. Zangaro through his participation as President of the 27th Ward Girls' Softball League; and

BE IT FURTHER RESOLVED, that Saturday, August 7, 1993 be proclaimed as "Fred Zangaro Day" in the City of Pittsburgh.

Mr. Onorato seconded the motion.

Mr. O'Connor seconded the motion.

Which motion prevailed.

The Chair presents

No. 3078 WHEREAS, on Sunday, August 29, 1993, the Pittsburgh Jazz Society, a non-profit organization that supports, promotes and provides exposure for both local, as well as guest jazz artists, will hold its Sixth Annual "Jazz Day in the Park" at Boyce Park Ski Lodge; and

WHEREAS, the City of Pittsburgh revels in being the home of many great jazz artists such as George Benson, Ahymad Jamal, Tommy Turk, Errol Garner, and countless others that have achieved both national and international fame; and

WHEREAS, the Pittsburgh Jazz Society holds membership in such prestigious organizations as the American Federation of Jazz Societies, the Pennsylvania Jazz Service Organizations, the International Association of Jazz Educators, and the National Jazz Service Organization; and

WHEREAS, "Jazz Day in the Park" was originated by Tony Mowod, President and Founder of the Pittsburgh Jazz Society, and will

provide nine hours of entertainment to enhance the appreciation of jazz music in the City of Pittsburgh; and

WHEREAS, the Sixth Annual "Jazz Day in the Park" features Lori Russo and the P.J.S. College All-Stars, Boilermaker 5, David and Maureen Budway Quartet, Nick Dialoiso's Late Edition, John Wilson's Big Band, the Sandy Staley/Frank Cunimondo Quartet, Salsamba, and the Ponder/Ludwig/Humphries Trio.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby declares Sunday, August 29, 1993 as "Jazz Day" in the City of Pittsburgh and encourages all Pittsburghers to attend this outdoor celebration.

Mr. Cohen moved to adopt the resolution.

Mr. Ferlo seconded the motion.

Which motion prevailed.

Mr. Ferlo:

Members of Council, if there's no objection, I'd like this next resolution to reflect the support of all Members of Council.

Mr. Ferlo presents

No. 2079 WHEREAS, Marco DePaulo is the son of Nella and Guiseppe DePaulo and the brother of Antonella and Melissa DePaulo; and

WHEREAS, Marco is 11 years old and will be entering the 6th grade at Immaculate Conception School in Bloomfield; and

WHEREAS, Marco is active in football, baseball, hockey, bike riding and playing with his friends; and

WHEREAS, Marco was diagnosed with Leukemia in 1987 and has been in remission ever since until May 5th of this year; and

WHEREAS, family and friends have organized a Blood Drive for Marco which will be held on Wednesday, September 1, 1993 at the Immaculate Conception Church School Gym from 5-9 p.m. All donors are asked to contribute one unit of blood which will be tested for compatibility; and

WHEREAS, family, friends and neighbors from Bloomfield and throughout our City will assist the family in their dire need of financial assistance to help defray some of the medical costs that are being incurred while Marco is in Children's Hospital by attending a Benefit Fundraising Party to be held at the Immaculate Conception Hall from 7-10 p.m., Friday, September 17, 1993 featuring the Elmonics Oldie Band, for a donation of \$10 per ticket.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh declares Friday, September 17, 1993 as "Marco DePaulo Day" in the City of Pittsburgh and encourages all Pittsburghers to attend the fundraising event to assist Marco and his family.

Mr. Ferlo moved to adopt the resolution.

Mr. Darkins seconded the motion.

Which motion prevailed.

Mr. Ferlo:

I think a lot of us at one time or another probably have faced some personal or family tragedy. And often times it may be difficult to put ourselves in a family's position. I think it's a very brave and a very wonderful mother here who is working very hard in terms of the crisis that this

family is going through now.

Also, we have Mrs. Hamidi here from the community who is very active in pulling together friends and neighbors and supporters, not only from Bloomfield but I hope with all of your support, my colleagues, throughout the City we can really show some support not only for the Blood Drive but also for the fundraising event on the 17th.

I think we know the crisis of our health care system. We all applaud and we're very proud of Children's Hospital. But regardless of whatever one's financial health insurance situation, there's still tremendous cost associated with the illness that Marco has.

I just thought it was important to try to show support here. This Council many, many times has come to the assistance of individuals in crisis. This is a wonderful family. I remember Marco a few years ago had written me a letter and I didn't know of his health condition and we responded. We sent him one of those flags that we used to have for a while.

He's a great kid and he deserves every opportunity to grow up and be the greatest guy in the world, and I know he can do that. My godson had leukemia when he was four years old. If you saw him now, he's 19 years old, you never would even know that he was sick.

There are many different forms of leukemia and how it attacks the system, but it is a battle that can be won. So, it's not only a battle of mind and spirit, but it's also a battle of support from the family, from friends, from loved ones. And financially I'm asking this Council to help support the event.

Mrs. DePaulo is here to my left, and Mrs. Hamidi. I didn't want to put Mrs. DePaulo on the spot, but if any one of you would like to just say a

few words.

Mrs. DePaulo:

Hi. My name is Nella DePaulo and I have an 11 year old son who is going through so much. But what I'm trying to say, actually, is if everybody from the age of 18 to 55 would please come or go to their nearest blood bank, the Central Blood Bank, they can go donate a pint of blood and they'll be tested for bone marrow. Not only for my son but also for so many other children in Children's Hospital, anywhere in the world, waiting for this bone marrow.

You hear a lot of people saying when you watch the TV news for kidney transplants, heart transplants, liver transplants, but you hardly hear of something for a bone marrow transplant. Not too many people go out there to get tested for this. I'm in this kind of position trying to find my son the bone marrow as fast as I can. Hopefully I won't be too late. But if people don't go and get tested, we won't be able to find it.

I would like to thank all the people in Bloomfield who have been supportive so far. We have two blood drives already, but so far there's no match. My family and I were tested but we're not a match and I'm very disappointed about that. I thought I created him, besides my God, why wasn't I the match? But I guess it doesn't work like that.

I'd like to also thank all the people who are out there praying for my son and all the people who are sending their donations to my home or to Mellon Bank.

I also want to thank my church for the use of the cafeteria. Father Oliveri, Father Dineen and Sister John. They've been very supportive.

Thanks also to Mrs. Hamidi and Mrs. Thomas and Michelle. They've been very great

with me trying to work while I'm in the hospital with my son, setting up blood drives and things that we can do to raise money and to get people to go out there and get tested for the bone marrow transplant.

So, I hope that people out there from age 18 to 55, you have to be 18 to 55, to come on September 1st at the Immaculate Conception in Bloomfield to be tested for my son or any other little child or person out there that is going through the same thing that we are.

I want to also thank Jim Ferlo for doing this and the City of Pittsburgh.

God bless all of us, especially my son. Thank you.

Mrs. Hamidi:

I'd like to thank Mr. Ferlo and all the good people of Bloomfield. Mrs. Thompson, my help, couldn't be here today.

I just want to mention again the blood drive which is Wednesday, September 1st from 5:00 to 7:00 p.m. at our Immaculate Conception Gym. Also, our fundraiser dance on September 17th from 7:00 to 10:00. Thank you very much.

Michelle Madoff:

If there was ever a need to be pointed out that we need a national health care program, I can't think of a better example. You shouldn't have to be going out and raising the money. Your child should be taken care of and that pressure should be off you. And we should have a computer inventory, people should be encouraged to register what their bone marrow is and what their blood type is so that they can be approached to see if they would like to help.

Maybe your message will bring home to

people that we need to support a national health care program.

The Chair:

Thank you all very much.

Mr. Cohen presented

No. 3039 Resolution providing for the issuance of a warrant in favor of C. Megan Hughes, 1229 Denniston Avenue, Pittsburgh, PA 15217, in the amount of \$407.00 in payment for professional consulting services rendered to Councilman Dan Cohen for the month of July, 1993, chargeable to and payable from Code Account 1001-1, Misc. Services, Supplies, Equipment, etc. (Index Code 100115), City Council, District 8. ---**(SPONSORED BY MR. COHEN)**

Also,

No. 3040 Resolution incurring lease rental debt in the maximum principal amount of \$16,500,000.00 by entering into a Guaranty Agreement with the Stadium Authority of the City of Pittsburgh.

Also,

No. 3041 Resolution providing for an Agreement or Agreements with Church of the Good Shepherd and the Shepherd Wellness Community, a non-profit organization, to provide bi-weekly dinners and other services for City residents at a cost not to exceed \$2,000.00, chargeable to and payable from Code Account No. 1100 (110007), Misc. Services, Department of Personnel and Civil Service Commission.

Also,

No. 3042 Resolution authorizing the Mayor and the Director of the Department of

Finance to convey to West Penn Motor Club a parcel of property located at 313 Penn Circle South, designated as Lot and Block No. 84-F-88, to be purchased from the Pittsburgh Parking Authority, as part of the consideration for the purchase of a building and property owned by West Penn Motor Club.

Which were severally read and referred to the Committee on Finance.

Also,

No. 3043 Resolution authorizing the Mayor and the Director of the Department of General Services to enter into a short-term lease, license or other agreements with West Penn Motor Club in connection with the property located at 202 Penn Circle West and adjacent parking lot, in order to prepare or occupy the property prior to closing, and ratifying any previously executed agreements for this purpose.

Which was read and referred to the Committee on General Services.

Mr. Darkins presented

No. 3044 Resolution providing for the issuance of a warrant in favor of Helen Hull Consultant, 719 Singer Place, Pittsburgh, PA 15221, in the amount of \$600.00 in payment for professional consulting services rendered to Councilman Duane A. Darkins for the month of August, 1993, chargeable to and payable from Code Account 1001-2, Salaries, Wages and Services of Council, As Needed, (Index Code 100123), City Council, District 9. ---**(SPONSORED BY MR. DARKINS)**

Also,

No. 3045 Resolution providing for the issuance of a warrant in favor of Kenneth Owens El, 206 Robinson Street, Pittsburgh, PA 15213,

in the amount of \$600.00 in payment for professional services rendered to Councilman Duane A. Darkins for the month of August, 1993, chargeable to and payable from Code Account 1001-2, Salaries, Wages and Services of Council, As Needed, (Index Code 100123), City Council, District 9. ---**(SPONSORED BY MR. DARKINS)**

Also,

No. 3046 Resolution providing for the issuance of a warrant in favor of Mamie Eerie, 7117 Lemington Avenue, Pittsburgh, PA 15213, in the amount of \$200.00 in payment for professional services rendered to Councilman Duane A. Darkins for the month of August, 1993, chargeable to and payable from Code Account 1001-2, Salaries Wages and Services of Council, As Needed, (Index Code 100123), City Council, District 9. ---**(SPONSORED BY MR. DARKINS)**

Which were severally read and referred to the Committee on Finance.

Mr. Ferlo presented

No. 3047 Resolution providing for the issuance of a warrant in favor of Arnita Long, 4734 Kinkaid Place, Pittsburgh, PA 15224, in the amount of \$721.00 in payment for professional services rendered to Councilman Jim Ferlo for the month of August, 1993, chargeable to and payable from Code Account 1001-1, Misc. Services, Supplies, Equipment, etc., (Index Code 100115), City Council, District 7. ---**(SPONSORED BY MR. FERLO)**

Also,

No. 3048 Resolution providing for the issuance of a warrant in favor of Craig Straw, 422 42nd Street, rear, Pittsburgh, PA 15201, in the amount of \$1,386.00 in payment for legal and

legislative research, office coverage and constituent services on behalf of Councilman Jim Ferlo for the month of August, 1993, chargeable to and payable from Code Account 1001-2, Salaries, Wages and Services of Council, As Needed (Index Code 100123), City Council, District 7.

---(SPONSORED BY MR. FERLO)

Which were read and referred to the Committee on Finance.

Also,

No. 3049 Resolution authorizing the Urban Redevelopment Authority to execute a contract with Gildas A. Kaib, Jr. for the sale of Block 4-C Lot 94 and Block 4-G Lots 249, 254 and 256, on Vinecliff Street in the 18th Ward of the City of Pittsburgh for an amount to be determined by the URA and subject to the approval of Council. --- (SPONSORED BY MR. FERLO)

Also,

No. 3050 Resolution approving a Conditional Use Exception under Section 993.01(a)(7) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993, to the Port Authority of Allegheny County for authorization to construct a 279 sq. ft. one-story extension to the west side of the existing Monongahela Incline building, with other renovations, located at 8 Grandview Avenue on property zoned "S" Special District, 19th Ward, Council District No. 2.

Also,

No. 3051 Resolution approving a Conditional Use Exception under Section 993.01(a)(9) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993, to Duquesne University for authorization to construct a five-

level, 200-space parking garage extension; a 55,000 sq. ft., four-level Science Center building; a 12,800 sq. ft., one-floor addition to the Rangos School of Health Sciences; a 5,000 sq. ft. addition to the top floor of the Utilities Building, and four entrance arches at major portals to the University campus located at 600 Forbes Avenue, on property zoned "I-C" Institutional-Civic District, 1st Ward, Council District No. 6.

Also,

No. 3052 Resolution Repealing Resolution No. 491, approved May 7, 1992, entitled: "Providing for an Agreement or Agreements with the 9th Ward Youth Association for minor rehabilitation, operating or administrative expenses, at a cost not to exceed \$7,000.00, chargeable to and payable from the 1993 CDBG Program, City Council. --- (SPONSORED BY MR. FERLO)

Which were severally read and referred to the Committee on Planning, Housing and Development.

Also,

No. 3053 Resolution providing for the letting of a Contract or Contracts or use of existing Contracts for the furnishing and delivery of modular furniture for the Department of City Planning at a cost not to exceed \$28,500.00, chargeable to and payable from Code Account 1106, Equipment, Index Code 110601.

Which was read and referred to the Committee on General Services.

Also,

No. 3054 Resolution providing for an Agreement or Agreements with the 9th Ward Youth Association for minor rehabilitation, operating or administrative expenses at a cost not

to exceed \$7,000.00, chargeable to and payable from Code Account 1838 (183806), Misc. Services, Department of Parks and Recreation. ---**(SPONSORED BY MR. FERLO)**

Which was read and referred to the Committee on Parks and Recreation.

Also,

No. 3055 An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article I, Administration, Chapter 903, Definitions, Chapters 931 through 943 to include family day care homes amongst the permitted uses in certain residential districts. ---**(SPONSORED BY MR. FERLO)**

Which was read and referred to the Committee on Planning, Housing and Development.

Also,

No. 3056 An Ordinance amending the Pittsburgh Code, Title Ten, Building, Chapter 1007, BOCA National Building Code Adoption, Section 1007.02, by increasing from six (6) to seven (7) the number of persons a day care facility provides care for. ---**(SPONSORED BY MR. FERLO)**

Which was read and referred to the Committee on Public Safety.

Michelle Madoff presented

No. 3057 Resolution authorizing and directing the Director of the Department of Engineering and Construction to undertake an infrastructure analysis of the East Carnegie community in the 28th Ward. ---**(SPONSORED BY MICHELLE MADOFF)**

Which was read and referred to the Committee on Engineering and Construction.

Also,

No. 3058 Resolution providing for the issuance of a warrant in favor of the Nu-Image, Darrell Bell, owner, 5647 Rural Street, Pittsburgh, PA 15206 in the aggregate amount of \$14,495.00 in payment for landscape and grounds maintenance of various reservoirs furnished for the benefit of the City, chargeable to and payable from Code Account 1972 (197202), Misc. Services, Department of Water, Pumping and Purification Division.

Which was read and referred to the Committee on Finance.

Mr. O'Connor presented

No. 3059 Resolution providing for the waiving of the residency requirement for qualified lifeguards at City pools. This Resolution shall become effective upon the signature of the Mayor.

Which was read and referred to the Committee on Parks and Recreation.

Mr. Onorato presented

No. 3060 Resolution providing for the issuance of a warrant in favor of Eric Rucker, 1919 N. Charles Street, Pittsburgh, PA 15212, in the amount of \$300.00, on behalf of Drums of West Africa, in payment for professional services rendered to the City of Pittsburgh, chargeable to and payable from Code Account 1103 (110304), Misc. Services, Department of City Planning. ---**(SPONSORED BY MR. ONORATO)**

Which was read and referred to the Committee on Finance.

Also,

No. 3061 Resolution providing for a Contract or Contracts or the use of existing Contract or Contracts to purchase Lifepak 10 Defibrillator/Monitors for the Bureau of Emergency Medical Services at a cost not to exceed \$45,400.00, chargeable to and payable from Code Account 1423, Equipment, Bureau of Emergency Medical Services, Department of Public Safety.

Which was read and referred to the Committee on General Services.

Mr. Ricciardi presented

No. 3062 Resolution that the Director of the Department of Personnel and Civil Service Commission and the Director of the Department of Finance are hereby authorized and directed to, within ten (10) days of final passage of this Resolution, begin a comprehensive review of the occurrence of employee absences among those City employees assigned to work at 1600 West Carson Street in the City of Pittsburgh. The Director of Personnel and the Director of Finance shall report their findings to the Mayor and City Council within ninety (90) days of the final passage of this Resolution.

---(SPONSORED BY MR. RICCIARDI)

Also,

Michelle Madoff:

Mr. Perry, you read a bill requesting the stats on how many people became ill at Gateway, is that correct? Would you also request the number of people who were doing the maintenance, how often the maintenance schedule was maintained, were the filters cleaned, were the boilers checked. My understanding is that the lease included the fact that we did the maintenance and it's one thing to find out how many people were made ill, if indeed they were there. It could have come from

anywhere.

The Chair:

The bill could be amended tomorrow in Committee.

Michelle Madoff:

No, I'm just making the point that if we're going to have conversation on it tomorrow, I would like to have whoever is in charge of the maintenance, that was part of the agreement with the City, that we would do our own maintenance. And if the maintenance was done like it's done here all over the City, we're in big trouble. And I think that's important.

No. 3063 Resolution transferring the amount of \$1,000.00 from Code Account 1001-1 (100115), Misc. Services, Supplies & Equipment, City Council, District 3, to Code Account 1103, (110304), Misc. Services, Department of City Planning. --- (SPONSORED BY MR. RICCIARDI)

Which were read and referred to the Committee on Finance.

Also,

No. 3064 Resolution providing for an Agreement or Agreements with the South Side Children's Advisory Council, for the benefit of the residents of the City of Pittsburgh at a cost not to exceed \$1,000.00, chargeable to and payable from Code Account 1103 (110304), Misc. Services, Department of City Planning. --- (SPONSORED BY MR. RICCIARDI)

Which was read and referred to the Committee on Planning, Housing and Development.

Also,

No. 3065 Resolution providing for the issuance of a warrant in favor of Public Strategies, Inc., One Bigelow Square, Suite 616, Pittsburgh, PA 15219, in the amount of \$1,600.00 in payment for professional consulting services rendered to Councilman Eugene Ricciardi for the month of August, 1993, chargeable to and payable from Code Account 1001-2, Salaries, Wages and Services of Council, As Needed, (Index Code 100123), City Council, District 3.

---(SPONSORED BY MR. RICCIARDI)

Which was read and referred to the Committee on Finance.

Also,

No. 3066 Resolution amending Resolution No. 247, eff. March 2, 1991, entitled "Providing for an Agreement or Agreements, or use of existing Agreements, and/or a Contract or Contracts, or use of existing Contracts, for New Construction design and Land Acquisition; and providing for the payment of the cost thereof," by amending the title to include Property Acquisition and by increasing the total project allocation by \$800,000.00 from \$200,000.00 to \$1,000,000.00.

Also,

No. 3067 Resolution further amending Resolution No. 1348, eff. January 1, 1993, entitled "Adopting and Approving the 1993 Capital Budget and the 1993 CDBG Program; and approving the 1993 through 1998 Capital Improvement Program," by providing 1993 funding for EC 93-504, and by amending the title to include "and/or Property Acquisition".

Which were read and referred to the Committee on Engineering and Construction

Mr. Cohen moved to suspend Rule 8 by

providing for consideration of all the bills only until or after the 8th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. O'Connor seconded the motion.

Which motion prevailed.

REPORTS OF COMMITTEES

Mr. Cohen presents

Bill No. 3068

Report of the Committee on Finance for August 4, 1993 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2931

A Resolution entitled, "Resolution providing for the issuance of a \$1,851.80 warrant in favor of Duquesne Light Company in settlement of claim for property damage." ---(MR. COHEN)

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Ferlo	Mr. Ricciardi
Michelle Madoff	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Also,

Bill No. 2932

A Resolution entitled, "Resolution providing for conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, 'Second Class City Treasurer Sale and Collection Act', effective December 11, 1984." ---**(MR. COHEN)**

Which was read.

Also,

Bill No. 2933

A Resolution entitled, "Resolution providing for the conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, 'Second Class City Treasurer Sale and Collection Act', effective December 11, 1984. Property located at 223 Meadow Street, 12th Ward." ---**(MR. COHEN)**

Which was read.

Also,

Bill No. 2934

A Resolution entitled, "Resolution providing for

the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with Act No. 171 of 1984, entitled, 'Second Class City Treasurer Sale and Collection Act', effective December 11, 1984." ---**(MR. COHEN)**

Which was read.

Also,

Bill No. 2935

A Resolution entitled, "Resolution transferring the amount of Fifty Thousand (\$50,000.00) Dollars from various Code Accounts to Code Account 1700-1, Premium Pay, Index Code 170019, all within the Department of Public Works." ---**(MR. DARKINS)**

Which was read.

Also,

Bill No. 2941

A Resolution entitled, "Resolution authorizing the transfer of Ten Thousand Dollars (\$10,000) from Code Account 1457, Index Code 145706, Uniform Allowance, and One Hundred Twenty Thousand Dollars (\$120,000) from Code Account 1457-9, Index Code 145797, Workers Compensation, for a total of One Hundred Thirty Thousand Dollars (\$130,000) to Code Account 1443-7, Index Code 144378, Longevity, Bureau of Police, Department of Public Safety." ---**(MR. ONORATO)**

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass

finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Ferlo	Mr. Ricciardi
Michelle Madoff	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 2942

A Resolution entitled, "Resolution providing for the issuance of a warrant in the amount of Seven Thousand Five Hundred Thirty-Six (\$7,536.00) Dollars, without previous authority of law, for payment to Liebert CS-S Company, James Waslewski, Vice President, for repairs made to the emergency generator of the computer control system located at the Emergency Operations Center." ---(**MR. SMITH**)

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Ferlo	Mr. Ricciardi
Michelle Madoff	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Also,

Bill No. 2943

A Resolution entitled, "Resolution providing for the transfer of funds in the amount of Forty Thousand (\$40,000) Dollars from Code Account 1132-7, Utilities, Index Code 113724, to Code Account 1138, Repairs, Index Code 113803, Department of General Services." ---(**MR. SMITH**) (**AS AMENDED**)

Which was read.

Also,

Bill No. 2944

A Resolution entitled, "Resolution providing for the transfer of funds in the amount of Sixty Thousand (\$60,000) Dollars from Code Account 1144, Gasoline, Index Code 114405, to Code Account 1134 Miscellaneous Services, Index Code 113407, in the amount of \$50,000 and to Code Account 1132-2 Telephones, Index Code 113225, in the amount of \$10,000, all within the Department of General Services." ---(**MR. SMITH**)

Which was read.

Also,

Bill No. 2945

A Resolution entitled, "Resolution providing for the transfer of funds in the amount of Thirty Thousand (\$30,000) Dollars to Code Account 1132-9, Workers' Compensation, Index Code 113290, from Code Accounts 1142 Miscellaneous Services, Index Code 114207, in the amount of \$5,000 and from Code Account 1150 Outside Repairs, Index Code 115006, in the amount of \$25,000, all within the Department of General Services." ---**(MR. SMITH)**

Which was read.

Also,

Bill No. 2946

A Resolution entitled, "Resolution providing for the transfer of funds in the amount of One Hundred Thousand (\$100,000) Dollars from Code Account 1470-9, Workers' Compensation, Index Code 147090, Bureau of Fire, Department of Public Safety, to Code Account 1132-2, Telephones, Index Code 113225, Department of General Services." ---**(MR. SMITH)**

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Ferlo	Mr. Ricciardi
Michelle Madoff	Mr. Smith
Mr. O'Connor	Mr. Wagner

(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 2965

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of James D. Boyce Associates, Inc., in the amount of \$15,759.80 in payment for the purchase of play equipment furnished for the benefit of the City without previous authority of law, and providing for the payment thereof." ---**(MR. DARKINS)**

Which was read.

Also,

Bill No. 2966

A Resolution entitled, "Resolution providing for a warrant in favor of Helen Hull in the amount of \$300.00 in payment for professional services rendered to Councilman Darkins for July, 1993, chargeable to and payable from Code Account 1001-2, City Council, District 9." ---**(SPONSORED BY MR. DARKINS)**

Which was read.

Also,

Bill No. 2969

A Resolution entitled, "Resolution providing for a warrant in favor of Bloomfield-Garfield Corporation in the amount of \$800.00 in payment for professional services rendered to Councilman Ferlo for the months of July and August, 1993, chargeable to and payable from Code Account

1001-2, City Council, District 7."
--(SPONSORED BY MR. FERLO)

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Ferlo	Mr. Ricciardi
Michelle Madoff	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council in the affirmative, the bills passed finally.

Mr. Darkins presented

Bill No. 3069

Report of the Committee on Public Works for August 4, 1993 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2936

A Resolution entitled, "Resolution granting unto Katherine E. Murray, 62 Harlan Avenue,

Pittsburgh, Pennsylvania 15214, her successors and assigns, the privilege and license to construct, maintain and use at her own cost and expense, a fence on a portion of the right-of-way of Harlan Avenue in the 26th Ward, 6th Council District of the City of Pittsburgh."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Ferlo	Mr. Ricciardi
Michelle Madoff	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Ferlo presented

Bill No. 3070

Report of the Committee on Planning, Housing and Development for August 4, 1993 transmitting one ordinance and sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2820

A Resolution entitled, "Resolution authorizing and directing the Director of the Housing Authority of the City of Pittsburgh to submit to City Council no later than November 1, 1993 a Board approved plan outlining proposed use of the 1994 Community Development Block Grant funding." --(SPONSORED BY MR. FERLO)

Which was read.

Mr. Ferlo:

Mr. President, I'd like to make a motion to recommit Bill 2820 regarding the Housing Authority planning document that we're requesting regarding the use of the Block Grant monies. There's a dispute about the percentages and all that and rather than argue it out here I think it would be more appropriate to discuss it in Committee.

Mr. Onorato seconded the motion.

WHICH MOTION PREVAILED.

Also,

Bill No. 2859

A Resolution entitled, "Resolution amending Resolution No. 444 approved May 6, 1982, entitled, providing for Residential Parking Permit Program in portions of Lawrenceville Community pursuant to Pittsburgh Code, so as to amend the streets included in Area 'A'."

Which was read.

Also,

Bill No. 2918

A Resolution entitled, "Resolution approving a conditional use under Section 993.01(a)(9) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993, as amended, to the Community College of Allegheny County for authorization to construct a three-story, 50,000 sq. ft. Student Center to be located on its campus at 800 Ridge Avenue on property zoned "R5" Multiple-Family Residence District, 22nd Ward."

Which was read.

Mr. Smith:

On Bill 2918, between Community College of Allegheny County, there was a discussion that ensued with Allegheny West. They feel comfortable with the agreement that came forward and I would like to encourage my colleagues, since this is located in District 6, to vote yes. There will be future materials coming across here as CCAC prepares itself for the 21st Century and I appreciate the community input that occurred on this bill. And I appreciate you holding this while I had an opportunity to avail myself of the information that was available. So I thank everyone.

The Chair:

Is there any further discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen
Mr. Ferlo

Mr. Onorato
Mr. Ricciardi

Michelle Madoff
Mr. O'Connor

Mr. Smith
Mr. Wagner
(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also, with a **NEGATIVE recommendation**,

Bill No. 2625

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article III, Chapter 921, Section 921.02, Zoning District Map No. 4, by changing from "S" Special District to "M2" Limited Industrial District and "M3" Light Industrial District certain property located in the Bell Farm area being property owned by the Crown Wrecking Company, Inc., Corliss Roadway Corp., and the City of Pittsburgh having frontage along Bells Run Road and Idlewood Road due north of the Chartiers Creek, 28th Ward."

Which was read.

Michelle Madoff:

As you know, I fought very hard to make sure that this bill would not go through without Pastor Siefert here today and without the community having some of their concerns addressed.

I am happy to report that the representative for Mr. Crown has made a commitment that is acceptable to Pastor Siefert and I believe to the community. His good faith effort should be rewarded and I think we should change our vote and vote aye and go ahead with this project so that we can indeed have responsible development in the community.

Mr. Ferlo:

Mr. President, there's a technical amendment that Mr. Brown delivered this morning from the Zoning Administrator that involves clarifying the actual slope of the "S" property to be donated, that being the parcel that is not the buildable part of the site. It's a technical amendment that he needed to clarify before the final vote.

The Chair:

There is an amendment in front of everyone. Is there a motion to approve?

Mr. Ferlo:

So moved.

Michelle Madoff seconded the motion.

WHICH MOTION PREVAILED.

Mr. Ferlo:

On the amended bill, you have a copy of a legal agreement that will be entered into with the owner of the property, Mr. Crown, doing business as Crown Wrecking Company, and one or more members of the community. And this was worked out thanks to Michelle's Office. This agreement is forthcoming. I believe Mr. Crown has actually already signed the agreement and the Pastor and others from the community are working to resolve which individuals will be actually signing the agreement.

I think part of the concerns certainly from the community independent of the zoning issue are legitimate concerns regarding repairs and infrastructure needs of the community itself.

Michelle has offered a separate

resolution which will be discussed tomorrow instructing the Engineer and Construction Department and City Planning to carry out various Planning issues confronting the community in terms of catch basins and road repair and things of this nature.

Mr. Onorato:

I just want to thank Councilwoman Madoff and Councilman Ferlo for setting up the meeting and actually going forward --

Michelle Madoff:

And Bill Urbanic from my office.

Mr. Onorato:

And Bill from Michelle's office.

I think it's important that we point out that once again this Council, instead of saying no to development, actually brought both sides together and are pro-development in the City of Pittsburgh. I couldn't tell you time in and time out since I've been here, which is only a year and a half, how many times this has taken place. For example, the Shadyside Parking Garage where Councilman Cohen was very active. I participated with AGH expansion, this Bell Farm expansion. This goes on and on again and it seems that the only thing that gets placed sometimes is when every once in a while there's a controversy where, for different reasons, something doesn't happen. But development does take place in the City of Pittsburgh and it's because this Council and this body gets together and works with both sides and pushes it forward, and I want to commend everyone on Council today.

The Chair:

I also want to compliment my colleagues

for working out what appeared to be a very difficult situation. It goes back years. I know Councilwoman Madoff is well aware of some disagreements between the property owner, the community, and it's not as easy as it looks simply in the legislation. It is a difficult item but it's also a great neighborhood, East Carnegie, and a great site for good solid development.

Michelle Madoff:

I think we ought to recognize that Pastor Siefert is in the audience. She is more than just a religious leader in her community; she is somebody who really cares about the community and gives not only of her time but of her energy and her caring for things that are not just, as I say, in the church. I think that is what has helped make this a reality.

But I also want to respond to my colleague, Dan Onorato. This is not just an example, although it is an example, of working together and resolving problems. But it isn't the first one. This has been a fabulous Council. We get branded as the circus and we get branded as those buffoons on Council. It's really a shame that the owners of the newspapers and the people who have a pre-conceived idea and don't open their minds and find out how effective this Council is because, let's face it, we certainly don't have an effective Administration. And anything they ever do that they get credit for, 99.9 times generated in this body. And it ends up where they say, "Mayor Masloff today has introduced . . .", after we fought for it for 16 months or 2 years. Finally it happens, she sees the light and they say, "Isn't it wonderful that she's doing it?" I think it's important that that message get out.

I'm going on with my life after this term. I served 15-1/2 years. Other members of this Council, I'm sure, have other goals that they want, directions they want to achieve. And I think it's terrible that the media would allow

falsehoods and misrepresentation of this body to continue. And this is a very good example of how effective we have been and I thank my colleagues.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Ferlo	Mr. Ricciardi
Michelle Madoff	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Smith presented

Bill No. 3071

Report of the Committee on General Services for August 4, 1993 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2914

A Resolution entitled, "Resolution repealing Resolution No. 247 effective March 25, 1993

entitled, 'Providing for the letting of a contract or contracts, or the use of existing contracts for the purchase of play equipment for the Department of Public Works, payable from Code Account 3-01-40-0060-93, Index Code 875708, Play Equipment, Department of Public Works, and for payment thereof. Cost not to exceed \$15,760.00."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Ferlo	Mr. Ricciardi
Michelle Madoff	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. O'Connor presented

Bill No. 3072

Report of the Committee on Parks and Recreation for August 4, 1993 transmitting one ordinance and one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2818

An Ordinance entitled, "An Ordinance supplementing the Pittsburgh Code, Title Four, Public Places and Property, Article XI - Parks, by adding new Chapter 480 - Playground Safety - and new Section 480.01, Playground Safety Assessment, and Section 480.02, Comprehensive Playground Safety Program."
---(SPONSORED BY MR. COHEN)

Which was read.

Mr. Cohen:

Mr. President, on the playground safety legislation, first of all I'd like to thank my colleagues for their support last Wednesday in the preliminary vote on this legislation. A great deal of work has gone into it, including over a year of research and investigation with two playground safety experts, both of whom spoke at our public hearing, Susan DeFrancesco and Melanie Morrison.

Also, working with the Directors of the Departments that would oversee this legislation, including the Department of Public Works and Parks and Recreation and the Department of Engineering and Construction, and also Councilman Bob O'Connor who is the Chair of the Parks and Recreation Committee, this bill was introduced on June 29th and then we had a fairly lengthy public hearing on July 27th that included playground safety experts, health officials, and also four doctors who treat children who have received injuries on playgrounds in emergency rooms.

We have just received, literally just received, a statement from the Law Department that says they have limited comments based on initial research. I know Councilman Ferlo asked

for a legal opinion by today and I, frankly, pushed the Law Department very hard to get us something by today.

In terms of the bottom line of the legal opinion, and it certainly says that evidence of the Consumer Product Safety Commission guidelines has been allowed into court in cases where there have been playground injuries. That's really perhaps the major legal question here because my legislation does include Consumer Product Safety Commission guidelines in the legislation in two places. One, it says that a timetable has to be presented. Two, Council and the Mayor regarding safety surfacing and that should be done according to Consumer Product Safety Commission guidelines. It just says a timetable and then it says also that new or renovated playgrounds have to be done according to those guidelines.

What the Law Department appears to be saying here is that even without this legislation, evidence of the guidelines would be admissible in court, and George Specter of the Law Department has provided me with a number of legal cases that say that. At the same time they say that there's no way to measure the impact of including them in an ordinance and they raise concerns about including this Consumer Product Safety Commission guidelines in an ordinance.

My response, really, to the Law Department's memo is I think that the impact of not having an ordinance like this is even greater because the potential liability to the City is even greater if we don't make our playgrounds safe. I won't dispute the Law Department's opinion that this legislation could possibly raise the standard by which the City is judged and could even result in a higher liability should a playground injury case come to court.

What far outweighs this in my mind is the fact that if this legislation is put into effect, our

playgrounds will be safer and there will be fewer injuries. That is the real liability issue because if we make our playground safe, then the City won't be liable. Period. And that's really the bottom line of this entire legislation, to have a comprehensive program that's not based on neighborhood or any other factor, but rather that it's based on safety.

Just to review very quickly the three parts of the legislation, one, it requires an Audit and Hazard Analysis to be done by Public Works in consultation with Parks and Recreation within six months of the time of the enactment of the legislation. That has to be presented to Council and to the Mayor's Office. Then, based on that audit and Hazard Analysis, to do a Comprehensive Playground Safety Program within six months after that, and also to be presented to Council and the Mayor's Office. And also, finally, to have regular inspection and maintenance that's based on Consumer Product Safety Commission standards. That's the timeframe for this legislation.

But I wanted to point out that I think all of us agree, and I appreciate my colleagues' indulgence here, that all of us agree that this is a first step, and only a first step. One is to have an audit and a Comprehensive Playground Safety Plan. But the next step is that once the audit is done, we have to determine what it will cost and then raise the funding allocation for playground safety. And I'd like to work with my colleagues and the Mayor's Office to be able to do that at budget time.

One last thing, and that is that Councilman Dan Onorato came to me and asked that there be an amendment placed in the bill, one that I regard as a friendly amendment and everybody should have it in front of them, that goes to the question of the repair, replacement or removal of major hazards. Once the audit is done, every piece of play equipment will be

evaluated as to whether or not it presents a hazard. If it presents a major hazard, then that piece of play equipment has to be repaired, replaced or removed. Our preference, of course, is that it be repaired or replaced. The Department, however, may remove pieces of playground equipment that they find to be major hazards.

What Councilman Onorato and I discussed was to put an amendment in that says that the Department must submit to City Council for its review, a list of playground equipment it intends to remove prior to the time of removal. So we see it, we see that it's fair, that it's not applied to any particular neighborhood, and that they do this as a last resort.

I think that it is a good amendment and I'd like to move that amendment, please.

Mr. Onorato seconded the motion.

Mr. O'Connor:

The amendment is very important because it gives us the opportunity in case something is dangerous to either, with the community, raise funds to replace it in case there aren't any. I know we had once instance where they closed the park, a small tot park, without notifying anybody and I think it was very poor judgement and a bad mistake. So I think this protects shutting parks down and gives us the opportunity to get involved with the neighborhoods.

The Chair:

All in favor of the motion? Opposed?

WHICH MOTION PREVAILED.

Mr. Ferlo:

On the bill as amended. First of all, as I

stated in Committee, I applaud all the initiative not only of Mr. Cohen and his staff but many of the community folks who provided a lot of expertise. I stated that I learned a lot at the hearing. It's obvious that we have a problem. I don't think we have a problem to the extent that regarding recent publicity in other municipalities. I think we have a concern and I think we need to address it.

I raised an issue just about the legal liability concern. I'm not pleased with the Law Department's memo, albeit just coming to us five minutes ago. I think it sort of touches on a few issues.

I support the bill. I think it's very critical that we move full speed ahead, especially, as Mr. Cohen stated the first function of the bill, and that is to do a systematic audit and assessment of each and every piece of equipment throughout the playground system.

My reservation which, unfortunately, I'm still not satisfied with, I had asked specifically for an evaluation by the Law Department of what the ultimate impact will be.

My concern is actually codifying into law specifics standards which I think really opens us up to some major liability. I think it makes it a lot easier to talk about and to prove negligence in a court of law. That does not mean I don't want all of our playgrounds to be safe. I do. It's a question of, on a practical level and programmatically, how we move as a city to make our playgrounds more safe and how we ensure that on any given day when a child goes out and plays on our play equipment it will be safe.

I don't think Mr. Cohen is willing to do it but I wanted to see the bill recommitted for further discussion with the Law Department. He does not want to do that. I think he clearly wants to move full steam ahead on the bill, and that's all

well and good. Accordingly, I would have to abstain on the final bill.

I'm not pleased. The request we made to the Law Department was for a review of the bill and a full discussion on this issue of negligence and codifying into law the specifics that are proposed in Mr. Cohen's bill. That doesn't mean I'm not for playground safety, but I have major reservations about the final version of this bill. I would prefer that we separate out and move quickly on the audit and the evaluation, the assessment.

But, again, I'm not pleased with the Law Department and I'm just hesitant about the final version of the bill. I'm not satisfied that the Law Department has responded adequately to our request for a legal review of the impact of this bill. But I do applaud the initiative and I think we need to move ahead most critically with getting a better assessment of the relative safety of our various playgrounds.

Michelle Madoff:

I think that we need to put in perspective the two minutes before session response we get from the Law Department. It reminds me of the old joke about Davey Lawrence; if he took a request for a legal opinion out of his right pocket, that meant he wanted a yes answer from the Law Department. If he took it out of his left pocket, he wanted a no response.

It is not going to hurt to have this bill go through. It is not going to legally upset the apple cart. The very minimal it will do is make sure that parklets like the Sheriden tot park in my community will be fixed immediately because of the hazards to the children. We had a really serious problem up there and it's only because of my persistence in getting somebody from Parks and Recreation out there to do it. And I know that Mr. O'Connor has done the same thing in his

community and all the other colleagues have done the same thing in their communities, and it shouldn't be necessary.

If we pass this legislation, we're on the road to making good things happen. And if people of good will can make it happen, I don't see lawsuits coming out of it.

Mr. Smith:

While I share with Councilman Ferlo and applaud Councilman Cohen for working so diligently on this, I voted no on Wednesday and they made an amendment that addressed one of my concerns which I found very good in terms of how we would actually choose which playgrounds would be closed.

I attempted at the session on Wednesday to get someone to discuss with me the guidelines from Parks and Recreation, and they were unwilling to discuss their interpretation of those guidelines. I actually had a problem with the standards that were being set.

Upon receiving this memo from the Legal Department, it worries me that we are going to set a precedent by adopting the standards. We need a total inventory. We need to have some way to define what needs to be done and the total costs that would occur.

But I must go along with the Law Department in the fear that if we stipulate that these are the guidelines and that we are accepting them, that we may very well either create a very costly park rehab program that we do not have the funding for, or that we may ultimately be giving evidence in a court against ourselves for not adhering to the standards that this Council would have adopted on behalf of the City of Pittsburgh.

So, while I believe that we need an audit and an inventory, and we need a plan of action, I

believe that at this time it is inappropriate to list and label the standards to which we are going to adhere without more information from the City Law Department. And I would hate in another five years to be facing a multi-million dollar lawsuit to which they hinge the entire suit upon the fact that we did not adhere to the standards that we had adopted ourselves not the time line that we had set up.

So, I will support this bill if it does not have a standard reference in it. I cannot at this time, against the advice of our own Law Department, vote in favor of this bill giving ourselves evidence against ourselves in a court of law.

Mr. Onorato:

Real quick. The way I look at this bill, it's this body now making our statement saying that we know that there's a problem, we have to address it, and these are just standards we would like to follow. There are standards out there that are already established. Let's put them into our Code because the way I review the whole situation, if someone gets hurt in one of our parks tomorrow, they have the right to sue us for not having it up to date. If we have this codified next week and they get hurt, they have the right to sue us.

I think that what will happen here, if the standards that are set are cost prohibitive, it's going to force us to come up with other alternatives to make the playground safe. And the fact that we are going to now be very careful in removing equipment as an alternative, we are now forced with the Administration to all sit down and basically say what can we do and what can we afford to make all of them safe.

So, for those reasons, I think the legislation is important and will work and can work because we are flexible and there are other

options and there will be new options developed in the future that we don't know of today. So, for those reasons, I will be supporting the bill.

The Chair:

I commend Councilman Cohen for introducing the legislation and I believe it's just an important first step. And he has indicated that himself. But what I think is interesting about the bill and complimentary towards government is the fact that we are looking at ourselves first. This only includes really City playgrounds. There are School Board playgrounds out there, there are day care playgrounds out there, Wendy's, McDonald's, Burger King, Mr. Rogers. May others have playgrounds that are utilized by the public. They are not part of this legislation.

What we're really saying with the legislation is that we as a government have playgrounds, as many or more than anyone, and we're going to look at a standard first and judge ourselves to meet that standard. And hopefully at a later time we can do the same with others that have playgrounds also.

It's unusual for government to work in this fashion. It's generally the other way. Therefore, I think the legislation is pointed in the right direction.

Mr. Cohen:

Mr. President, I agree with you on your points.

Representative Ron Cowell also of the State Legislature has indicated his intention. He had a press conference a couple weeks ago to introduce similar legislation. He hasn't done it yet but he said he intends to for our school playgrounds, and that is a very, very important point.

You know, I've read all the cases that Mr. Specter from the Law Department provided to me yesterday afternoon that deal with playground injuries, and I've been thinking about this whole issue of liability for some time now. It occurred to me that any time a government moves forward to increase safety, it opens itself up to liability. That's just a fact of the business. And, as I think about it, though, our liability is much greater if we don't move ahead and try to make our playgrounds safe. So, I think that even though there is a potential risk here, the risk of not moving ahead on playground safety is much greater.

Two other points just on the liability issue. In the legislation, it doesn't say that we have to apply Consumer Product Safety Commission standards tomorrow to all our playgrounds. It's really in two places in the legislation that it mentions those standards. And those are important standards and I'm not moving away from it. But, one is on the safety surfacing, and that says that the City has to provide a timetable to us and the Mayor's Office for putting down safety surfacing according to those standards.

People from the Public Works Department and the Parks and Recreation Department are not going to tell you that they're going to put safety surfacing down that doesn't meet those standards. They want to meet those standards and I think that we won't have a problem there. The problem, of course, is the funding for it and that's the next step.

The second place that it mentions the Consumer Product Safety Commission standards is for new or completely renovated playgrounds. If we're going to go in and put in a new playground or completely renovate an old playground, we would be foolish not to put in new equipment that complies with these standards. Even in cities and states where this

legislation doesn't exist, the courts have at least admitted these standards for the judge or jury to review. So, we'd be crazy not to make sure that our new or renovated playgrounds comply with these standards.

So, I think that it makes sense for us to move ahead on this despite potential risks.

Mr. O'Connor:

I want to commend Mr. Cohen. I think he has done an outstanding job in pointing this out.

I also want to point out that in our public hearing, I don't think people realize that we have over 160 parks, from regional parks to tot lots, which is probably double any city this size. And the problems we had, they addressed quite a few of them already.

So, I commend the Parks Division so far. I think they're doing a very good job. Our Pepsi Parks and Giant Eagle pitched in. They've spent hundreds of thousands of dollars. We just opened a new park in Homewood.

So, I don't want to take this like they're falling asleep. I think we are doing a lot of work but we do have a big massive undertaking to upgrade these things. And I think by bringing it the attention now, I see this as a blueprint to solve our ongoing problems and upgrading all our parks. And there are many options, whether it be Partners in Parks, corporations pitching in, getting neighborhood groups such as Highland Park, what Mr. Ferlo did over there. So there's a lot of options and I feel we have to support this. Like I said, I think this is a blueprint to give us a guide for the next five or six years to get them all in shape.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Michelle Madoff	Mr. Ricciardi
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 6 NOES none

(MR. FERLO AND MR. SMITH
ABSTAINING)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3014

A Resolution entitled, "Resolution authorizing the sale of City-owned property known as Baywood Dwelling and/or King Estate and King's Folly, more particularly located at 1251 North Negley Avenue (Block and Lot 82-G-50) Eleventh Ward, City of Pittsburgh."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Ferlo	Mr. Ricciardi
Michelle Madoff	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Onorato presented

Bill No. 3073

Report of the Committee on Public Safety for August 4, 1993 transmitting one ordinance to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2626

An Ordinance entitled, "An Ordinance supplementing the Pittsburgh Code, Title Five, Article III - Towing, Chapter 525, Towing Charges, Section 525.02, Schedule of Towing Fees, by setting towing fees for stolen passenger vehicles and flatbed towing when justified."
---(SPONSORED BY MICHELLE MADOFF)

Which was read.

Michelle Madoff:

May I address my colleague, please? Let me ask you, is there something missing from this bill or something that I don't --

Mr. Onorato:

First of all, I have to amend by substitution. I'd like to amend the bill in front of us with this written amendment everyone has in front of them.

Mr. Ricciardi seconded the motion.

WHICH MOTION PREVAILED.

Michelle Madoff:

I'd like to again address my colleague. I think it's an oversight. We forgot to put in that the \$23 charge would be from the time of notification.

Mr. Onorato:

Let me address what we just amended because the \$23 has been removed. Let me go over the amendment real quick and the we'll address that issue.

The amendment in front of us basically changes the \$85 towing fee for stolen cars to the following:

A) \$25 towing fee for stolen cars removed from the pound within the first 24 hours, plus any additional fees and payments for special work as charged under the existing tow contract. That is, for example, if a car was off the side of the road and they had to bring in special equipment to pull it back up to the street before they towed it. There will be no storage fees if its recovered and removed from the pound within the first 24 hours.

B) There will be a \$50 towing fee for stolen cars removed from the pound after the first 24 hours, plus the additional fees and payments for any special work under the existing tow contract. And there will also be storage fees after the first 24 hours. The storage fees are charged

from the time of impoundment.

C) The notification requirement for stolen cars. The measurement of a 24 hour period shall start from the time the Emergency Operation Center (EOC) makes the call to the phone number or numbers listed in the stolen car report.

The reason this is added in, the way it works is when someone reports a car has been stolen, they give their home number and their work number. They have the option to give both. The EOC calls immediately once the car has been found to both numbers. If there's a machine, they will leave a message on the machine. If they call at home and you're not home, they will call work. If you're not at work, they'll leave a message at work. They will also do this procedure every shift. So, the calls will take place three times in a 24 hour period.

That is the best that we can do for notification because they also send out certified mailing, but obviously a certified mail will not help for the first 24 hour period because you won't have it.

So the notification requirement is listed there by the phone calls.

D) The above sections, A, B and C, shall apply only to stolen cars. These fee changes only apply to stolen cars that have been towed, not to other illegally parked cars.

Michelle Madoff:

Thank you. We've addressed it. That's what we talked about.

Mr. Smith:

Could someone clarify for me Section B?

Mr. Onorato:

What do you need clarified?

Mr. Smith:

I don't understand the concept of an additional \$50 towing fee for stolen cars removed from the pound after the first 24 hours.

Mr. Onorato:

Not an additional fee. It will be \$50 instead of \$25. The reason is, we're giving a discount for the first 24 hours. There are indirect costs involved in addition to the contract price of \$25 and that is the fact that we have police officers that wait with the car for a half hour period if the owner does not pick it up.

The dispute that came up months ago was that the \$85 was even more than covering our indirect costs. There was a profit part of it. We removed the profit part and now we're only covering our direct costs and indirect costs after the 24 hour period. That's why it's at \$50.

Michelle Madoff:

It might be appropriate to reverse. Make C - B; and B - C. Just reverse them.

Mr. Onorato:

No, this is the order I reviewed with Public Safety and with the Law Department.

Michelle Madoff:

It's the same thing. I just put one before the other simply because you're saying if it's picked up in 24 hours they wouldn't have this problem.

Mr. Onorato:

It's in a chronological order based on when you pick it up. That's why we'll leave it this way.

Michelle Madoff:

There are several other issues that need to be addressed and I wanted to have them all encompassed in this one bill but I guess you can't do everything at one time. I hope that somebody will run with the ball if I'm not here and make sure that the towers do not have kickback arrangements with private repair shops. And they say frequently, more often than not, say to the person who is in a terrible state anyway, their car is in an accident, for example, "I can get it for your wholesale. I have a friend who will do it much cheaper than your dealer." They cannot recommend anyone. They should have a list from a telephone book that has stars beside it showing that it's open 24 hours.

Also, it is imperative, Mr. Onorato, that somewhere along the line all these towers have identification and pay a license fee to be able to tow in our City. How many times have you seen six or seven tow cars together and you think that we've had a massive accident, everybody rushing to get to the job, and they frequently, almost always if they're not legitimate towers, want cash. And at the point that they get cash, I wonder if it's ever reported to the IRS. So I hope the IRS people are watching and start looking at all your towers.

Mr. Onorato:

Mr. President, that actually is a separate bill. This bill only deals with tow fees.

Michelle Madoff:

Mr. Onorato, I'm making the point that

this was the first step, that we need to go the whole way. And if I'm not here to do it, I'm counting on you to do it.

Mr. Onorato:

I just want to make it clear that the bill that we're voting on today, the way it exists currently is if your car was stolen and it's brought to the pound, you start off with a charge of \$85 which I believe is excessive. And I know Michelle believes it was excessive. Then they start adding on storage fees after the first 12 hours.

We're changing all that. Now we're giving the owner of a car the opportunity to retrieve their car for \$25 if they go down within the first 24 hours. I think that's fair. It's the cost that we're charged by the contract and that we have that option. It was noted that 60 percent of the cars that are stolen have been taken out of the pound within the first 24 hours. So, we are addressing a big problem of stolen cars.

Mr. Ricciardi:

Obviously I support this bill and I commend the sponsor, Michelle Madoff and Dan Onorato. There's no reason the City of Pittsburgh in any way should make a profit off the misery of those who have had their cars stolen or to even gauge the people who have had their cars stolen. I think it's a very good bill and it's well receptive and thank you.

Mr. Smith:

In Section B, last sentence, "Storage fees are charged from the time of impoundment." Does that mean that if the car is not picked up the first day, the first 24 hours is not free?

Mr. Onorato:

That's correct. That means that we would

have stored the car for a 24 hour period for the first day and they're going to have to pay for that. There's a cost involved with storage. If you get it out within the first 24 hours, we're giving you a break. That's part of the discount. But if you let it stay there longer than a day, 24 hours, you're going to pay for the storage fee.

Mr. Smith:

For the first day.

Mr. Onorato:

Yes, for the first day. And every day after that.

Mr. Cohen:

I also want to commend the sponsors, Michelle Madoff who originally sponsored this bill, and Dan Onorato who has worked on it very hard since then. I think that they both pointed out that this is a classic example of adding insult to injury, and what we're doing here is at least lessening the price of the insult. Having your car stolen is a terrible thing to have to go through and to then have to go and shell out lots of cash to get your car back after it has been stolen truly is insult to injury. So, I commend them for lowering the price and wish we could do it even more so, but I understand that we have fiscal constraints. But I congratulate them.

Mr. O'Connor:

For the people out there, when does this take effect?

Michelle Madoff:

January 1st. We'd like to have it retroactively but, unfortunately, we can't do that. Presumably the budget constraints. I'd like to start it now.

Mr. Onorato:

I'll make a motion to waive the rules to put that in the bill. We don't have it in writing in front of us, but to put the effective date on --

Michelle Madoff:

Frankly, I'd like to start it yesterday.

Mr. Onorato:

January 1, 1994 is the effective date.

Michelle Madoff:

I'm not thrilled but what are you going to do? It's better than nothing. At least we'll start.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Ferlo	Mr. Ricciardi
Michelle Madoff	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

MOTIONS AND RESOLUTIONS

The Chair:

I'd like to introduce an appointment, please, and determine whether Council wants to vote on it today or next week.

The Chair presents

No. 3080 Resolution approving the appointment of David Keller, 1117 Tropical Avenue, Pittsburgh, PA 15216, to the Equipment Leasing Authority for an unexpired term to expire December 31, 1996.

Which was read.

The Chair:

Traditionally, Council has had a budget staff member sitting on the Equipment Leasing Authority. Our previous member was Kurt Salac. I believe it's absolutely necessary for us to have that. At the will of Council we will do this today or we'll do it next week.

Mr. O'Connor moved to approve the appointment.

Michelle Madoff seconded the motion.

Mr. Ferlo:

I have no problem but I want to remind Mr. Keller that he works for Council, legislative body, independent of the Administration, between now and the end of the year. He does not work for Mr. Turner and the other representatives on the Equipment Leasing Authority. So, if he will keep that in mind, I have no problem moving on this today.

Michelle Madoff:

And I would like to add to that that I hope when he goes out and votes on bonds for the Leasing Authority that he'll see they're competitive and not negotiated.

The Chair:

Are you sure everyone wants to vote on this?

Mr. Cohen:

We've all worked with Mr. Keller now for a couple of months and I just want to say that I think he has worked very well with Council. I'm not saying that Councilman Ferlo said that he isn't, but I think we've weaned him away from the other side of the hall and he's working very well with City Council.

Mr. Ferlo:

I don't think we've done that yet but we're working on it.

The Chair:

There's a motion to approve and a second.

All in favor? Opposed?

WHICH MOTION PREVAILED.

Mr. Ferlo:

Very briefly on another issue. We had asked several weeks ago for information. A number of Councilmembers, in addition to myself, spoke about the Parking Authority impending contracts to be awarded in I think at least three different parking garages. I don't want to reiterate all the debate and discussion but I was

wondering if the Clerk's Office was in receipt of any information regarding our request. We specifically asked them to delay the execution of any contracts between now and the end of the year.

Mr. Perry:

I haven't received anything.

Mr. Ferlo:

You haven't received any information.

The Chair:

We should have that soon.

Mr. Ferlo:

My understanding is, and I'll have to go there on the 10th, that they're meeting on the 10th to do something relative to this. And if that's the case, I will be asking the Parking Authority Board to speak.

The Chair:

When is the meeting? What date?

Mr. Ferlo:

I believe it's on the 10th of August. Today. They're meeting today I believe.

The Chair:

What time is the meeting?

Mr. Ferlo:

I don't know. I believe the meeting is today but I may be wrong on that.

The Chair:

Mr. Perry, would you check today immediately after the meeting and let all Councilmembers know the date and time of that meeting and why we have not received that information through a phone call or a memo.

Mr. Ferlo:

I believe their meeting today. They're also acting on the trade-off of the parking lot in East Liberty for the building which, obviously, we'd like to move quickly on that. But I resent the fact that we haven't received back a communication. There are a number of concerns that we wanted to engage in discussion with the Parking Authority. But I'll reserve comments about the future staff that will be working after January.

Mr. Onorato:

Different issue. I wasn't going to bring this up but it's been over a year now, 14 months. Last summer on the North Side on Oakhill Street off of Shadeland Avenue we had a collapse in the road on a Saturday. The residents called my house and I called Public Works and they responded within a half hour and we were out there. The collapse was so big that you couldn't get up the street. It was a dead end street. They filled it in. It's a red brick road and they filled it in temporarily just to let cars get in and out.

Well, it's been 14 months and the red bricks in this patch have not been replaced. The requests started 14 months ago. The residents have been patient and I kept on telling them that I've been talking with Public Works, particularly Terry Matuszak, and I have been promised that the road will be finished probably three different dates ago that it was set.

I think that this Council should send a

strong message that that street get repaired immediately. Fourteen months is way too long to take the bricks that were already there just to put them back on top of the dirt that replaced this hole. It's not rebricking the street. It's just the middle of the street where there was a sink hole, the filled it with dirt and the bricks have to be put back.

So, Mike, I'm making a motion that we send a letter to Terry Matuszak, to Director Walluk, asking them that the bricks be put back immediately.

Mr. Ricciardi seconded the motion.

Michelle Madoff:

Discussion. Same subject but a different site. Will you go back and tell your community if they're listening that while I think it's appalling that they waited all these months, McArdle Roadway was shut down for seven years, either one side of the road or the other, and they're working up there right now.

We need a watch out. Does anybody know where else Mr. Pugliano is working? Nobody has answered my call as to why they're not there yesterday or the day before. I've called Pugliano and he said the City doesn't want them there Mondays and Tuesdays. So I guess they want to wait until we have a busy time with the traffic when we go back to work and people are off vacation in the fall, and then we'll shut down the area.

The sewer lines are collapsing and this is the old game that Mr. Ferlo is very familiar, the sort of bait and switch, the "B" contracts and so on. They're finding, would you be surprised, all kinds of work that they didn't know was there. I looked. You'd have to be an idiot to ride by and not see that all the sewers are falling in. There's not even any road. But we've now discovered

we've got to repair a lot of things we didn't know we had to repair. And guess who is going to get the work? The same contractor on the job. It's only 15 million in three years but we wouldn't want him to go hungry.

Mr. Onorato:

Let's keep these separate for one reason. Your's is a subcontract work. Our's are our own City workers.

Michelle Madoff:

I'm making the point of response. You said you were delighted they came when the road collapsed. We get wonderful response, 20 minutes, when we have a plugged up sewer or a grease line. But the problem is that there is no follow through. And it drags on for years.

The bottom line that my colleagues need to remember, when I become history on this Council, no longer the historian, is that's how you keep the budget from having to raise taxes because you just don't do what you have to do. And what people don't understand is the cost becomes horrendous every year that you let it wait and you don't do the job properly. And right now, McArdle Roadway is half done. We've got what, another four or five weeks of good weather, if we're lucky. And it is appalling to me that I drive up there and it isn't being worked on.

So, I know exactly where you're coming from. I agree with you completely and I just want to say hopefully it won't be seven years.

The Chair:

There is a motion and a second.

All in favor? Opposed?

WHICH MOTION PREVAILED.

Mr. Cohen:

I very much support Councilman Onorato in his attempt to get brick in the street on the North Side. He and I have both gone to Public Works about two different issues, one in the North Side, one in my district, and that's Murray Hill Avenue.

Two years ago the Public Works Department brought me out to the neighbors on that street to announce their commitment to redo the bottom of the street with belgian block. And it's the same situation as Dan's because it's brick and it's done by the City.

It has not been completed yet. I've written letter after letter and am really frustrated by it now because it's the same thing. We've been getting dates, probably five dates since then that the work is going to be commenced and it has not happened yet.

I would like a similar motion from Council to the Public Works Department saying that the brick work be done at the bottom of Murray Hill Road. That was two years ago and we have the money for it.

Mr. Onorato seconded the motion.

The Chair:

I forget whether it was myself or Councilman Ferlo or both of us that put the bill in five or six years ago for brick replacement. But there should be no street where repairs are made that bricks are not put back in place.

Mr. Ferlo:

I think every one of us could start talking about streets that we've been lobbying and harrassing Public Works about. I have several in

my Council district in Stanton Heights and Lawrenceville that I've been harping on for the last several years. But certainly I support this effort to recommunicate back to Public Works. But maybe what we should do is sit down at some point and talk with them and go over several of the specific streets. Some of the streets are more complicated reconstructions that either should be done under contract or by others within Public Works. Some involve just asphaltting and curbing. So, I'm sure every one of us has a few streets that we've been harrassing Public Works and Engineering and Construction about over the last few years.

In addition to the motion, I hope at some point maybe we can meet with Public Works and go over some of the critical streets and ask that they better prioritize. I've had problems just with the asphaltting program and I don't want to rehash that whole problem with the crack resealant. I have hundreds of people in my district who have filed claims against the City on that problem. We have a department that, for some reason, paved Negley Avenue which was not in as bad shape as Highland Avenue, by way of an example. Sometimes there's not even logic to what streets are being done in terms of the asphaltting.

I just think at some point in addition to what's being proposed here, we need to sit down and talk with them and get a specific time line on when we can actually anticipate that the work will be done, and then stick to it. And we need to do that in such a way that come budget time or when we're actually allocating these yearly resolutions for concrete slab replacement, or the yearly resolution for brick restoration, or the yearly resolution for the asphaltting, that we legislate our imprint on what the actual work is going to be done. We've avoided doing that in the past and I don't really think we should get into doing that. But if there's a significant problem we may have to start amending these catch-all resolutions to actually prioritize the work that we

want to be done.

So, I think we need to begin to think about this in anticipation of the November budget deliberations.

Mr. Onorato:

Mr. President, I was afraid this was going to start happening. I normally don't bring a personal request for all of us to back up.

I want to make a point clear. The reason that this street is different is that it was only a sink hole that was an emergency and the bricks were there. I just want them put back where the dirt was put.

I have a lot of streets that need rebricked, and I realize that. But that's a whole different issue. It's a bigger project. We're talking about a sink hole over 14 months ago that was filled. Just put the bricks right back where they were. That's all I was asking on this street and I felt that I went through the channels and that's why I brought it up to this Council because every once in a while we have to put the pressure on as a body. But we can deal with the other issues of all of the streets and prioritizing at a different time. I treat this differently than prioritizing streets.

The Chair:

There's a motion and a second. All in favor? Opposed?

WHICH MOTION PREVAILED.

Mr. Onorato:

Two other quick issues. I have been meeting in the last two months with some cyclists, and as recently as this week and last week, regarding the possibility of using mountain bikes for the police force-around here. I realize

that it's been working in other cities and what I've been working on legislative-wise is to actually give the option to certain police officers now that we have the increase in the beat officers. A year ago we didn't have this option because we didn't have the police. But there are certain districts like South Side for example, where the business district is flat and long. Troy Hill from one end of the hill to the other end of the hill is flat. All of our districts have it.

I would like to explore the possibility of offering these bikes to our officers. I have legislation but before I introduce it what I want to do is ask Mike to schedule a post agenda after Labor Day when we're all back to review the legislation and also to get input from my colleagues here. It's an interesting idea and it's working well in Seattle and other cities where we actually have the officers that are assigned to community oriented policing, which we have now that are only in certain neighborhoods, and they can cover the neighborhood a lot quicker.

I'll give a quick example. I have one officer right now on the North Side that covers the intersection of Brighton Road and Benton Avenue a couple days a week, and then goes down to California Avenue. Walk-wise it's a big area. But on a bike you could shoot up and down the street in a matter of ten minutes and be at both locations.

I think it's an option we should consider. It's an option we should give to these individuals because if anyone has seen the new beat officers, they are in great shape. They're young, they're healthy, and they probably would be interested. I have asked a few of them and they like the idea. And the way some cities have been doing this, they get a local bike company that actually donates the equipment and they get some PR out of it. So, there's ways to do it that it won't cost us additional money but it's also innovative and also increases the visibility by movement.

So, the post agenda, Mike, we'll schedule. I'll give you the list of the individuals I've been meeting with but also the Chief of Police, Director of Public Safety, Lou DiNardo, and Parks officials because a lot of our regional parks are involved with the policing now with the cars going through it and beat officers in there. So we'll tie it all together with bicycling and policing, both Parks and the beat officers.

Mr. O'Connor:

Five years ago Seattle had 2 police officers on bikes and in five years they're up to 70. The initial cost, even if you buy the bikes, is about \$1,600 with all the equipment. But after that there's no maintenance, less than \$100 a year maintenance.

As the Councilman mentioned, I think especially in the summer, some of our regional parks like Frick, Highland, Schenley, there had been some problems on some of the trails where the officers really can't drive.

So, I think it would be very unique and show a high presence and I certainly support him. Again, like South Side, you could probably cover the whole South Side and back in 15 or 20 minutes and show a lot of visibility. Bloomfield, even Squirrel Hill, the main shopping district is not that hilly. Shadyside is very flat.

So, I commend him and I hope we all think about it seriously. I think it would be an added addition.

Mr. Onorato:

One final issue. You might have caught this on the news last night. I was told by several people, I didn't see it on the news but people have stopped me, about an incident that took place up in the Observatory Hill area, and that is the Perry

High School area.

There was vandalism at the Chatham School Playground, and what's unusual about this vandalism is that it was made up of swastikas, KKK signs, and just anti-racial, anti-ethnic signs. It concerns me because it follows a week later that took place in Riverview Park which is probably a half a mile away, of the individual that took the car and drove through the flower beds.

I want to commend the School Board. They already have put out a contract to remove all of the vandalism. It's their park, not ours.

I'm just asking, and what I'm going to try to do with Director DiNardo, is that we deal with our Detective Department because it appears that these types of signs are starting to increase. It isn't just vandalism any more; they're actually messages. We heard about the gang messages but these are so inflammatory to so many different groups that it's very important that they get removed and that we go after the actors and try to make examples out of these actors. If we don't respond, it is going to increase and they're going to feel that they have free reign throughout this City.

Mr. Ferlo:

On the graffiti issue, could we get a follow up report from the Administration? Last year there was a lot of effort made and a lot of good work was done on graffiti removal on public property. For some reason this year I don't sense that there is the same initiative and I was wondering if we could get an update report on that whole problem.

Mr. Onorato:

Councilman Ferlo is absolutely right. And I just want to mention that since the \$1,000 reward was put out last week for the Riverview

Park vandalism, several calls have come to my office. To date they haven't arrested anyone but they do have leads and they're investigating it. And that reward is still there. If anyone knows anything, feel free to call my office at 255-2135.

Mr. Smith:

New topic. The City of Pittsburgh has placed itself as charging fees for facilities which means that we should, for that fee, in parks, get service.

This weekend at the Robert E. Williams Memorial Park, the shelter was rented and paid for on March 29th. The facility was opened up two hours late on a four hour permit, only because my mother who is a member of this organization, had people's home phone numbers. This organization would not have gotten in the facility if it had not been because my mother was a member of this.

Not only was it opened up two hours late because she had a home phone number of someone who works for the City, the place had not been cleaned, the floor needed to be scrubbed by these ladies who spent the next hour cleaning for the one hour left on their permit.

My question is, how does the City, since we charge fees for service, how do we reimburse someone for an hour of a four-hour permit. The fact that they had to clean it themselves when the fee was supposed to be used to cover the costs of cleaning. And, why our system fell apart if we have chosen to charge a fee to track, monitor, clean and maintain for special events, why something paid for on March 29th was not tracked on August 9th. How it fell through the cracks, why this occurred, and does this occur more often than not. It is my fear that, as we charge these fees to cover these costs, that the services should be there. That was the intent of this service.

What would the average citizen do if they showed up at a shelter that they paid for? There is on the permit no emergency phone numbers. They are not given a sheet of paper of any alternative if there is a problem who to call that day. But we do pay salaries to have people on call. We leave people out in the cold with no alternative directions.

Michelle Madoff:

Mr. Smith, sometimes it takes somebody from the outside that can see. You know, doesn't have to worry about the forest for the trees. I think your issue is absolutely on the button and I think it's very easily correctable.

May I suggest that you introduce legislation that says anybody applying for a permit for a picnic area or for whatever to open a facility, receives a sheet of paper at the time that they pay their fee telling who to contact, where the contact person will be. I know if I were giving a picnic I'd say, "If anything happens, who do I call on a Sunday?" or what have you. A number, an emergency number. And, frankly, I would introduce legislation for a refund. I think that's how you get attention.

Thirdly, I think we need to make a request. What happened? We want a response. Who was on duty? Why wasn't it done? So we know what you want in your legislation.

Mr. Smith:

My preliminary investigation said, "Regatta". For some reason, the Regatta got in the way of the fees and so forth that we had already purchased.

Michelle Madoff:

But it doesn't happen because of the

Regatta. It's happened in my district when we're supposed to have a park for some meeting and people don't show up and there's no key.

We did some legislation, Jack, you may recall, where we made arrangements where keys would be in previous years. But, you know, you forget about those things. There's so many pressing things going on.

But I think you're right on the button. It's a little annoying but I think I would just follow through with legislation. It's easily correctable.

Mr. O'Connor:

We fought last year to try to remove the fees. And the reason you're charged a fee is that on a weekend that somebody was there to watch, to clean, to set up and so forth. That's the only reason that we even agreed to charge a fee.

In this case, that person, whoever was supposed to be there, I guess it was a management breakdown where he or she didn't show up.

Or are you referring that maybe all the employees were at the Regatta and weren't able to cover their normal jobs? If so, either way we have all this summer help that we've been hiring and I think we've done a very poor job in setting them up where we could supervise and add them to these stations.

One of our major complaints is keeping our facilities open on the weekends. The excuse is that we don't have enough people. But certainly it shouldn't be now with the added summer help we have. It doesn't require too much experience to open a facility, watch it and clean it. There was a total breakdown somewhere.

Mr. Smith:

I actually brought this up here because I have now heard three different stories. And I just felt that if anyone else has faced this problem, if they could help direct me in resolving this so that it does not occur to someone in any other district. I've heard the Regatta, that a notice wasn't sent, someone else said all the paperwork went through. It's just the fact that I'm worried that this occurs on a more frequent basis than I've been notified before.

I'm just trying to bring it up so that if this is an anomaly in the system, that we solve it and it doesn't occur anymore. Or does this happen more often to other people and we just don't hear about it?

The Chair:

We should ask for information in regard to that specific discrepancy that you point out from the Administration, why it occurred, what correction can be made with that individual, and how it can be prevented in the future. And also look at, as Councilwoman Madoff suggests, some possible legislative alternatives.

Mr. Smith:

I would like to second your motion on forwarding a letter to Parks and Recreation asking specifically what occurred in this instance. And is there information available from other groups that rent from us. Parks and Recreation's solution was just send us a letter of complaint. That may very well be a little bit to get it off the chest of the rentee, but nowhere do they say send us a letter and we'll send you your money back. Or we'll help you get another date in the future.

I just want to send a letter. I want to bring this up because I just think that it's unfair that we

charge a fee and then don't follow through on the service.

The Chair:

So that's in the form of a motion and a second.

Mr. Ferlo:

Another point. I think Mr. Smith is making mention of how many other instances does this happen. I don't know. In the five years that I've been here, I've had a couple problems with shelters and complaints.

I think what we could do during the summer months while we have some summer help, maybe the budget office can help design a questionnaire and we could send it out to all the permit holders for this past year, at least those who have already utilized the shelters. Many of them, probably 65 percent of them, have already utilized their shelter. Maybe we could ascertain from them what shape the shelter was in and were there problems and things of this sort.

So I would ask as part of this friendly amendment that we do some kind of a survey. I'm sure we could get a list by reviewing the permit holders and we do a survey and question the permit holders as to the quality of the shelter and any issues that they might want to address.

Mr. Smith seconded the motion.

Mr. Ferlo:

Secondly, as Michelle stated, if Councilman Smith feels comfortable in his facts about this incident that he talks about, I think we should just issue a warrant and reimburse the individual for the permit fee that we collected from them.

Michelle Madoff:

May I also make another suggestion? A friendly amendment? Why don't we have, when you come down to pay your fee and get your permit, they not only give you a number but give you a form that says were you happy? Like an automobile, did it drive right? Was the place clean? Was the place opened on time? Do you have any comments to make? And let's see that somebody on this Council or Parks and Recreation reviews that once a year or every two months or something.

Mr. Ferlo:

Michelle, that would reflect good management. I think that's completely out of order.

Michelle Madoff:

I realize good management is not in keeping with this present Administration. When they want our opinion, they'll give it to us.

The Chair:

There is a motion and a second. All in favor? Opposed?

WHICH MOTION PREVAILED.

Mr. Ricciardi:

Mr. Wagner, a few weeks ago I asked for some information from the Administration concerning privatizing the Zoo and their goal thereof. We did receive a memorandum telling us that they were interested in privatizing the Zoo but none of the follow up information that I requested in terms of revenues, that we're bringing it in over the gate, in terms of the goal, in terms of capital expenditures.

Let me mention that I was listening to Dr. Baker yesterday on a talk show and she said that they will be presenting Pittsburgh City Council with a package mid-September. She also mentioned that there was a colleague on Council who was serving on the Committee to "explore the possibilities of privatizing the Zoo".

I asked Mr. Bob O'Connor who chairs the Department of Parks and Recreation if he was that member and I believe he stated no.

I'm curious, so I don't have to go to everyone's office, who is working on this committee exploring the possibility of privatizing the Zoo?

The Chair:

There's no big secret here. I have sat in on two meetings in regard to that issue. I was requested to sit in on the meetings by some of the people in the private sector simply as advice as to what concerns this Council may have in the event that comes forth in the form of legislation.

Due to my busy schedule the last six months, I have not been as attentive as I should be in regard to that commitment with that committee. And at the same time, I have strongly recommended that Councilman O'Connor be as well aware as anyone about what's going on.

What I know further from a discussion yesterday or in the last couple days with Mr. Turner is that he has begun to discuss with this Council the fact that a proposal will be put forth. And if Dr. Baker indicated yesterday that it's coming in September, that's not consistent with Mr. Turner's statement. We would have that information within the next week and would be able to begin to look at it and study it. And at some time in the latter part of September it would be formally introduced to Council.

Mr. Ricciardi:

I'd like to make a motion if I can that Mr. Bob O'Connor, along with Jack Wagner, President of this body, take active parts, and Mr. Ferlo, the Zoo sits in his district, if the three can take active participation in these committee meetings and contact Dr. Baker hopefully as soon as possible, maybe early afternoon.

The motion is that Jack Wagner, as President of Pittsburgh City Council, Bob O'Connor who chairs the Committee, and Jim Ferlo because the Zoo sits in his district, contact Dr. Baker this afternoon and sit in on the next committee session.

Mr. Smith seconded the motion.

WHICH MOTION PREVAILED.

Michelle Madoff:

Mr. President, in the years you've been here on Council, and Mr. Perry, in the 15-1/2 years, just in your memory, how many times would you say that I have raised the issue to Councils who wouldn't consider privatizing the Zoo, including having the Commissioners involved? Would you say 1,000 times? Easily 1,000 times. And this is another example of how Sophie is going to have the Zoo privatized. We're going to have a public-private partnership. Where did it originate? In this Council.

I just wanted to let the media know that they should pay close attention to where things originate. Are you paying attention, media? Good.

Mr. Ferlo:

Mr. Chairman, I think you know my feelings about the park. I'm very disappointed in this process but I feel like I'm beating a dead

horse. I'm very disappointed in the process involving other actions of the Administration on the Parks system.

There are many active people that are concerned about the Zoo. Certainly I know many of the people who volunteer with the Zoological Society I'm sure are part of this initiative and effort and have been included. But there are many neighborhood groups including an activist group in the Highland Park community that I think should be informed and made aware of some of these developments. I don't expect it to happen, just like I don't expect a lot of other things to happen by this Administration who finally started to fill the vacancies on the Youth Commission and I appreciate that.

But, again, I think people have been locked out of the process, especially those people who are ultimately going to be deciding. I've already stated my belief that we should not move this year and that we should be more deliberative on the whole Zoo, either privatizing or creating a private not for profit, or whatever arrangements are going to be worked out. I'm just not please and, quite honestly, I don't trust this Administration. I've stated that before. The deal that they worked out with Gumberg and with Phipps and Chambers Development. We got a landfill operator running the plants and we got a shopping development owner running the golf course. I'm just not pleased with what's happening but I'll be glad to participate in any meetings, as I always have been.

The Chair:

I'm very anxious to see that issue come in front of Council and I've told the people involved that. I have always been pushing to have the Zoo be more receptive to the needs of this City in terms of getting to and from it, signage to it, and a number of other different areas. I think there will be some good solid dialogue on that whole issue

when it hits the table behind us.

Mr. Smith:

New topic. There was a letter that went out from the City of Pittsburgh and I'll read very quickly.

"Dear Tennant:

As you may know, the Pittsburgh Post Gazette has published a serious of articles on tax delinquent buildings taken by the City. As a result, several members of Council were calling for the eviction of all tenants and the Post Gazette has called for the moving of tenants such as yourself into public housing.

If City Council mandates such a change in policy, I will be unable to stop it because you are one of the people affected by the change in City policy.

Your opinion is vital. I urge you to contact members of City Council, including your own representative, to make your view known. Unless you speak up, you will be allowing others to make decisions on where and how you live."

Michelle Madoff:

Is that from the Director of Finance?

Mr. Smith:

Yes, it's from the Director of Finance.

Michelle Madoff:

Gee, surprise, surprise.

Mr. Smith:

The problem is that it is District 6 that has the largest number of the 85 residences that we

presently rent. My phones have gone off the hook with almost 20 percent of these renters calling my office fearful that they're being put out on the street, fearful that they're being moved from their community.

I just mention this because I would trust that my fellow Councilpersons would not introduce any legislation that would remove these people from the communities that they're in. That we sit down not only because I have a long history in the housing in District 6, but I can actually point out instances where after a period of time someone was able to either repurchase their own home that they lost to the City or that they were as a renter could then purchase the facility they were in after a period of time.

I trust that we have not created a scare tactic in our residents who pay their rent, who are living in these houses that have been placed on the market, may I remind you, and no one took them.

I bring this up just as a mention to my fellow Councilpersons that we attempt not to evict the tenants of our property, but if anyone wishes to do anything, they may join with me in offering special programs to any tenant at purchasing the facility that they are living in because, for many of them, they do not qualify under the URA program. They can meet the rent payments. They do not choose to leave the community in which they are living presently.

So, I would love to sit down and work with anyone at providing alternative solutions other than evicting people from the community to which they are accustomed to living in.

Michelle Madoff:

I'm appalled. How did you get that letter? A resident got it?

Mr. Smith:

One of the ladies was so fearful that she was being put out --

Michelle Madoff:

It wasn't mailed to you? Or to any other Councilmember?

Mr. Smith:

No. A lady brought this letter to my office yesterday because she was fearful that she would be put out of her home.

Michelle Madoff:

That is a typical Ben Hayllar schtick. The devious little twerp who wants to cover his -- C.Y.A. So what he's doing is going to the people to get support for his inadequacies and his failure to do his job. It is typical Ben Hayllar. I'm outraged.

The Chair:

Could all members of Council have a copy of that letter?

Mr. Smith:

Sure.

Michelle Madoff:

And get it to the media.

Mr. Cohen:

I have not seen the letter and I also want to thank Councilman Smith for bringing that to our attention.

I don't recall, and please anybody here

refresh my recollection, but I don't recall anybody on City Council calling for eviction of the people who rent property that is owned by the City through tax forfeiture. On the contrary, what we've tried to do is move in a responsible way to have a summit meeting right after recess to discuss these issues. I think that flat out eviction would be a callous response to a serious problem that has been raised by the Post Gazette and others.

So, I think that that was poor judgement to send that letter out and it's going to scare people into thinking that they're going to be evicted. No actions have been taken yet. We haven't even sat down to have our summit meeting yet. And hopefully we're going to end up having a program with many different parts to it and I hope that that program is a compassionate one as well as being a fiscally responsible one. So I think that was poor judgement.

Mr. Onorato:

That letter is probably in response to what I said in this Council body and what I said on the Editor's Show last week. I made the point that we should not rent to people and use those people as a security force against vandalism. I said if we can't rehab the buildings and they're uninhabitable, we shouldn't have people in there.

I have a few questions. Is it legal, and does Ben Hayllar and the Finance Department have the right, to lease property without Council approval? Who gave the authorization to lease to 85 people on this body here? Did we ever vote on those? I don't remember that legislation ever coming up. Let's talk about doing who is doing what.

Mr. President, I'm going to ask one thing, that we as a body vote on this today, and I'll make a motion, that we ask the Mayor to direct her Director of Finance, and that we also send out a

letter rebutting this, saying that in no way do we say we're going to introduce legislation to throw people out.

What I said, and I'll say it again, is that we should introduce legislation that will eventually get us out of the landlord business because we can't be a good landlord. And we have proof of it based on that article and looking at the buildings that we're leasing.

What's happening is that we're leasing buildings to individuals who are afraid to complain to the Housing Court because they know they could be thrown out on the street. So they live in uninhabitable buildings which, as Councilmembers, they're in my district too, we don't even know what buildings we lease and we don't even know what tenants are living in these uninhabitable buildings.

I'd like to have a list of all the property, where the authority comes from. So what I would say is that we get a list of every person that received a letter, that we send a letter from this body, under your signature with all of us voting on it, and that should be stated in there, that this is wrong, we rebut everything in there, and that this Council did not introduce legislation. It was a discussion. This is a legislative body and we discuss ideas, and we do not endorse uninhabitable tennant living in the City. And that we are going to work together to come up with alternatives to either improve these property or, if we can't rent, we are going to find them programs where they should go. We are not pushing anyone out.

I'm insulted this went out and I think a lot of things are happening now that are probably illegal. I'll give a good example. We just leased a building in East Liberty and, if I'm not mistaken, they came to my office for a signature. They didn't just do that on their own. They need Council approval to lease buildings.

So I'd like to make a motion that we send a letter to everyone that received this rebutting this and we could work on the wording later.

Michelle Madoff seconded the motion.

Mr. Ferlo:

I would like the letter to be signed by each Councilmember willing to sign the letter.

I started getting calls, including calls from Councilman Smith's district, yesterday and was perplexed as to why individuals were calling me. I appreciate the fact that Councilman Smith has now clarified why all of a sudden, probably because I'm Chair of the Committing on Housing that I'm starting to get calls.

This letter is very upsetting. First of all, it's bad enough that individuals most likely living in housing managed by the City Real Estate Department, good, bad or indifferent, are already probably victims in the system. And unfortunately I think this letter victimizes these individuals to an even greater extent.

I think we need to immediately clarify to them that there is no talk of any eviction. While we're talking over a period of time about how to better manage these facilities or who should be managing these facilities, we're not talking about becoming the wolf at the door. Nothing in this Council is going to do anything to act as the wolf at the door. We're not going to be evicting people from their homes.

I think a number of Councilmembers have introduced legislation regarding abandoned properties and nuisance properties. Mr. Wagner also introduced a bill regarding this whole issue of who should be managing the City properties. I would point out the Housing Authority manages and has a full-time staff that manages hundreds of

scattered site housing units throughout the City of Pittsburgh. I think there are any number of things that we need to explore, including Mr. Smith's point about whether or not we can find other ways to transfer these properties to individuals who are living in them. I have an individual young woman who has lived for the last four or five years in the Garfield community and would like to actually acquire the house. But, as Mr. Smith pointed out, there are a lot of individuals who can most likely maintain a home but have a very difficult time with credit and through the whole URA programs that are administered by the local banks.

I think maybe we need to do something unique here in terms of the actual transfer of property, building some sweat equity program, what have you. There are any number of options that we need to look at.

One, the letter is upsetting. Two, we need to immediately get out a letter to these individuals to remove any fear that they might have about any pending eviction. Three, I think we need to call Director Hayllar and call him to task when we leave this meeting and talk to him about this letter and the manner in which he has sent it out. I don't disrespect the Finance Director for communicating to people if there is some specific legislation pending. I have no problem with him framing an issue, whether it be to these tenants or anybody else. But I think the way the letter is characterized is just inappropriate. And, unfortunately, I think we're victimizing victims already and I think that's very wrong.

So I think it's very important that we get this letter out. And if my office needs to assist the Clerk's Office in any way with computer labels or with stuffing and mailing, I'll be glad to do it.

The Chair:

If I may interject here, I appreciate

Councilman Smith bringing this up. He read the letter in its entirety. And when you look at it again, you begin to see how out of line Director Hayllar is.

I would just like to publicly state that this Council confirmed Director Hayllar's appointment. We can bring that Director back in front of this Council for making misstatements in regard to public policy and in regard to the opinion of this legislative body. I don't know when Mr. Hayllar became the Mayor and nine Councilmembers all in one.

I'd like to see Mr. Hayllar come in front of this Council tomorrow, either at the beginning or the end of the Standing Committee Meeting, and hear our concerns about this letter. This letter is very alarming and I can see why constituents are alarmed by the language in it. But, most importantly, what he does say is that everything that is happening is either the blame of the Post Gazette or this Council, in essence. He, himself, is not taking any responsibility for the present situation that this City is in, and that's shameful.

Michelle Madoff:

I would like to ask Mike Perry if he'll go back in his records, we have a search facility, and find the documentation that led to editorials in the Press and Post Gazette. I have had in my files a list of the properties that we do rent because this subject has come up before. It came up just about the time I got to Council. What was happening was that I was recommending sweat equity because we had squatters. I think you'll find it under squatters, Mike, in your Minutes. What happened at that time was that I recommended that we allow the squatters to build sweat equity to build homes and to take over these homes. The Homesteading bill came out of that and the Homesteading bill didn't work. People didn't know how to take the houses that we sold them for a dollar and do something with them. This was

the sweat equity bill and it was people like Ben Hayllar that said no we can't do that and the editorial writers in the papers saying, oh, Michelle wants to give City property away. It had nothing to do with that. It was to do with what Mr. Onorato said. Let's get together and try to make these people's lives better, not have the wolf at the door, someone biting at their heels like we do when somebody has their car stolen and we want to penalize them.

These people, as you've stated, Mr. Ferlo, have enough problems being in public housing or renting from our City properties that are in total disrepair, for us to threaten them. And the audacity of this twerp to send out this letter implying again, as he does all the time, that we are the villains and he is the good guy, is outrageous. I think we should ask the Mayor to fire him tomorrow. Today, actually.

The Chair:

There is a motion and a second, and I would like to request that he come in front of this body tomorrow.

Mr. Cohen:

I think we should conclude with the letter that Councilman Onorato said that we should send to the tenants. I think we should include in there the date of this meeting. It's a public meeting and I do think we should have representation from the tenants who live in these properties so that they can give us their first hand impressions. Maybe that way we can turn this, perhaps, into something positive.

But when I read this letter, when I see it in writing the thing that most bothers me is that it looks like these poor tenants are being used by the Director for a lobbying purpose and I think that's not a proper use.

Mr. Ferlo:

Just on this point, I think we need to issue a cease and desist order to the Sheriff of Nottingham down on the lower floors. If he is contemplating other letters or any other actions, please, don't do that. We need to talk about this. We need to communicate back to these people. We have a meeting planned. There are various pieces of legislation. This is all going to be done rationally and calmly and we're going to talk about what's in the best interest of the people as well as how we're going to manage these properties. And we need some time to deliberate and take action.

Everybody is flying off the handle because of Mr. Bull's article. The point is, we know how to manage, we need to resolve some of the problems that have clearly come to light, and I think we can get over the hump and deal with the problems. But this is inappropriate.

Mr. Smith:

Mr. President and members of Council, I did not bring this topic here to create a war. I brought this topic here because, and everyone keeps saying substandard housing, I ate dinner with a family that is living in the home and paying rent that they lost when the City took their home. I did not know that it was a City-owned property and that was over the last four or five months I've been in and out of this home. They just informed me of that this morning with their phone call of their fear.

This home is lovely. I'd move into it in a minute. There's one around the corner from me where an 80 year old lady is a renter because she lost her home to back taxes. It is a lovely four bedroom, two bathroom, a living room 30 x 30. It is a wonderful home. So, please, let's not characterize this as slum landlords. These are alternatives that were offered to people who

tended to live in those homes. We do not publish a renters' guide and have people show up to rent a place.

So, I mean, I did this to ask my fellow members of Council to work with me because I believe the majority of these rental properties are in District 6. I know that I have received phone calls. It was not to start a war between the Administration and this Council. I brought a piece of information that was given to me. We need to work together cooperatively. If we're antagonistic to one another, there will be no solutions that will benefit these renters.

So, I just implore everyone to relax your attitude and let's work for the benefit of these 85 people who are living in our properties as opposed to anyone's personal vendetta based on what someone did. The ultimate goal is to help the renters stay where they'd like to stay and get ourselves out of the rental business.

Mr. Onorato:

One final comment. That's fine that Councilman Smith knows a few of them, and a lot of them or even a majority that are habitable. My concern is, we have one individual signing leases here. When we sell City property, it comes in front of Council. I see who the buyer is. I see what the purpose is. I see what the price is. And then I vote. I did not see who the renter is, I do not know what the rent is, and I didn't vote on these. I think this is illegal.

I'm also going to request a legal opinion on does the Director of Finance have the right to lease property without Council approval. That's the bottom line. That's all I want to know. There is no check and balance here. It might be perfectly legitimate and we can approve it. But the point is, we don't get that chance to say, who is this person, why is it this amount, and what does the building look like. We never get that

opportunity, and that's why we're here.

Michelle Madoff:

They'll tell you they don't want to burden Council. Burden us.

The Chair:

All in favor? Opposed?

WHICH MOTION PREVAILED.

Michelle Madoff:

Just for the record, with all due respect to Mr. Smith, many of the properties are in terrible shape and we are really slum landlords and we need to make them right as opposed to pushing people out and terrorizing them.

The Chair:

Members of Council, I want to make a statement on the record, if you'll bear with me. I know I passed it out, but it's important for me to make this statement because I lived through this whole issue of the Pirates since I've been here on Council and it was even here before Council. I have an opinion that is distinctly different from the Administration and always has been and I would like to read the statement into the record.

"I would like to make a statement for the record of the recent Commonwealth Court decision regarding the Pittsburgh Pirates and the City of Pittsburgh.

The dispute between the City of Pittsburgh and the Pirates is especially embarrassing to me as President of Council due to the fact that I was an elected Councilmember at the time the historic public/private partnership was struck between the Caliguiri Administration and the private sector to keep professional

baseball in Pittsburgh.

City Council voted and approved the deal back in 1985. Both Mayor Masloff, then Councilwoman Masloff who sat on the Stadium Authority, and my colleague, Councilwoman Michelle Madoff, were advocates and supporters of that deal.

I might also mention that many of the same players, Administrative representatives such as George Whitner and Jim Turner, were part of the Caliguiri Administration and now hold very influential positions within the Masloff Administration.

The 12 or 13 private investors, it has juggled one or two each direction over the years, many of which are prominent Pittsburgh corporations and institutions, were not looking to invest their money in a baseball franchise back in 1985. Their reason was pure and simple: to keep professional baseball in Pittsburgh indefinitely.

I am disappointed that the issues in dispute ever reached the point where they are today.

Prior to going to court approximately two years ago, I attempted to have the parties sit down, communicate and work out their differences. I talked several times with Mark Sauer when he came on board, and Joe Mistick who was then the Executive Director, and attempted to get them to do that. That did not happen. The Pirates were willing to sit down but the Administration was not at that time, two years ago.

I was here in 1985 and know exactly what the commitment of the City of Pittsburgh was to the investment group that purchased the Pirates. Councilwoman Madoff and our present Mayor were members of this Council at that time, and I believe they know what that commitment was.

Did we as a government on behalf of the taxpayers make a \$25 million commitment to keep the Pirates here? Absolutely, positively, yes. There is no doubt in my mind that we made that commitment.

If the City of Pittsburgh cannot make the now \$4.2 million pay out or payment to the Pirates, then other arrangements should be made to help the franchise stay in Pittsburgh. Either we add \$4.2 million to a bond issue as we did with the original \$20 million, or we look at the lease arrangement, Stadium improvements, access improvements, or other innovative ways to meet and fulfill our commitment.

Major League Baseball is a business and, like other businesses in this City, we must strive to keep them here. It would be a disaster to lose professional baseball in the City of Pittsburgh.

We have made a commitment to do that and should follow through with it. We have made an investment in the Pirates more so than any city in the country, and instead of harming that investment we should be nurturing it and maximizing its value. Nothing is being gained by lawsuits and bickering. It's a waste of time, a waste of energy and legal costs for all involved. And that comment was made by George Whitner just recently.

Well, George, let's end the feud and sit down and talk. Let it begin immediately so we can protect and keep the investment in a viable business that we have made on behalf of the people of Pittsburgh.

Again, I am asking both sides to stop fighting and to begin to work out some form of the original commitment made to keep professional baseball in Pittsburgh."

I felt it was very important to make that

statement on the record. I am going to follow up by sharing it with both parties and again attempt, and I would hope will all of your support, to get them to work out this agreement. If not, my fear is that there will be continual appeals and lawsuits and ultimately and eventually the atmosphere for professional baseball in Pittsburgh will not be a good one.

Michelle Madoff:

I think the statement is very accurate and I think it needed to be said and I'm glad you said it and I'm happy that you spoke for me because you told the truth and that's exactly what happened.

Correct me if I'm wrong, but didn't we hire a consultant at that time, at my instigation? There were three names put forward. Council was not willing to go ahead arbitrarily without knowing what we were getting into, what the details were, and indeed there was this commitment to come back with an additional almost \$5 million. And we agreed to it.

I think Dick Caliguiri is rolling over in his grave because he word and his commitment is not being honored. And I don't think that we really do our community any justice by saying well, a verbal contract is only as good as the paper it's written on. That was the out of the Administration and I think that's a disgrace. It sounds like a Ben Hayllar special.

Mr. Cohen:

Mr. President, we talked about your statement a little bit yesterday and I want to commend you for the statement because I think that it's exactly the right approach that we need to take right now.

As a member of the Stadium Authority, I can tell you that there have not been meaningful discussions between the two sides since this

lawsuit began. Now that the lawsuit is over, the environment is such that we ought to be able to sit down and have a meaningful dialogue and talk about what both sides can give, not take, but what both side can give to making sure that the Pirates stay in Pittsburgh forever.

I commend you on your statement and I hope that that statement creates the atmosphere by which the two sides can sit down and do that.

Mr. O'Connor:

You're saying George Whitmer, on the Stadium Authority and now he's in the Mayor's Office. Does that change things? You're saying the Pirates were willing to sit down but the Administration wasn't. Things have changed since maybe a year ago. Are they willing to sit down now, or aren't they?

The Chair:

No pun intended, I think all the right players are there in the Administration. I believe in George Whitmer's heart he wants to work something out. Jim Turner is a great baseball fan. Our Mayor sat on the Stadium Authority for a number of years.

It is embarrassing for this City for the feud to continue and I would like to see, prior to the end of 1993, some arrangement worked out so that we begin on a positive note again with the Pittsburgh Pirates.

Mr. O'Connor:

So are we asking between you and Councilman Cohen who sits on the Board there to at least have meaningful dialogue to start? If not, somebody should tell us no and why they aren't. I think they owe us that. If it's not the \$4 million, we have to look at the long range plan of keeping the Pirates in the City. \$4 million probably isn't

going to do it either way and I don't know if we have the \$4 million to begin with. But we have to look at what's good for the City and the Pirates.

So you're asking that and we should have a response from the Administration if they're willing to do this.

The Chair:

They are not required to do anything, actually, with us as a legislative body. To the best of my knowledge, all we could do is put a piece of legislation in allocating \$4.2 million to the Pirates. That's not the right thing to do if there are not receptive parties supporting it. Consequently, there has to be a positive atmosphere first. And rather than pointing fingers, I believe this Administration has to create that atmosphere.

Mr. O'Connor:

Are we asking for a response that they start doing that? That's my point.

The Chair:

I have been asking for some time. The lawsuit should have never occurred, as far as I'm concerned. There have been taxpayer dollars, both City and supporters of the Pirates, lost in that lawsuit. That will continue to happen as long as there is disagreement.

Mr. Smith:

I was here in 1985 as an Administrative Aide to City Councilman William Robinson at that time. This Council did indeed make a commitment. The Administration at that time made a commitment to the Pirates.

I do understand why the lawsuit occurred, why it pressed forward, but I think that

at this point we must support you as a unified body in presenting to the Administration and to the Pirates the new opportunity that they now have to come to an agreement and a greater understanding and change the posturing that we've had with each other because it is the total good of Allegheny County, the City of Pittsburgh, that we are actually talking about. And it is above and beyond the letter of the law or the spirit of the law. It is what we need to do for the spirit of all of our citizens in this valley.

So, I stand 100 percent behind you in an attempt to bring the parties together and resolve in friendly terms so that we can move forward into the 21st Century.

Michelle Madoff:

The Stadium is about to go out for another bond. It's a refinancing issue. We just got a notification in our offices. It seems to me that, of course, they'll probably go negotiated and do a little pinstriped patronage out there and help some of the people that contribute well to the campaigns. Maybe we ought to make sure it's a competitive bid and the savings could very easily perhaps cover all of this.

As I told you once before, Members of Council, on a bond that was issued for one of our authorities, a \$60 million bond over 30 years on a negotiated basis compared to everything issued in the whole country, not only the State of Pennsylvania but anywhere in the United States, there was a \$6 million payout that was not needed. On a AAA bond, the others were AAA, if we just issued the bond at the same interest rates that were being done nationwide and not taking care of someone, there is \$6 million. And if you multiply that by Alcosan's bonds that are going out now and all the other bonds that go out negotiated, we'll have enough money to take care of all the important needs of this community.

Mr. Onorato:

Mr. President, on the one paragraph where you state, "If the City of Pittsburgh cannot make the \$4.2 million payment to the Pirates, then other arrangements should be made to help the franchise", and you list a few examples, either by adding the \$4.2 million to a bond issue or making improvements or access improvements or other innovative ways to fulfill the commitment. Is that a request for them to respond to that because I think it's a good suggestion. I'd like to hear their response.

The Chair:

There actually have been discussions in that regard in the past. Those discussions broke down when the lawsuit was filed.

Mr. Onorato:

My question is, are you re-asking the question now after the lawsuit?

The Chair:

I am asking that we, in an innovative way, if we can't lay out \$4.2 million, work out some agreement.

Mr. Onorato:

I agree and I'd like to hear the Administration's response to that.

Mr. O'Connor:

I'd like to be clear. I'm not saying we should give them \$4 million.

Michelle Madoff:

That's what we agreed to.

Mr. O'Connor:

The courts say we didn't. I'm just saying, let's start meaningful dialogue to keep the Pirates here. I don't think \$4 million is going to do it either way. There might be a lot of other resources. That's my point in support, and not handing anybody a check.

The Chair:

That's right. There could be a number of different ways to do it.

Michelle Madoff moved to approve the Minutes of Tuesday, July 13, 1993 and Tuesday, July 20, 1993.

Mr. Smith seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Onorato**

Council adjourned.

MUNICIPAL RECORD

Proceedings of the Council of the City of Pittsburgh

VOL. CXXVII

Monday, August 16, 1993

No. 33

Municipal Record

ONE-HUNDRED TWENTY-SEVENTH COUNCIL

JACK WAGNER President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON-WASLER.... Asst. City Clerk

Pittsburgh, PA
Monday, August 16, 1993

PRESENT:

MR. DARKINS	MR. RICCIARDI
MR. FERLO	MR. SMITH
MR. O'CONNOR	MR. WAGNER
	(Pres't)

ABSENT:

MR. COHEN	MR. ONORATO
MICHELLE MADOFF	

The Meeting was opened by the recitation of the Pledge of Allegiance to the Flag of the United States of America, and a moment of silent prayer for peace throughout the world.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. O'Connor and Mr. Wagner present

No. 3081 WHEREAS, on Saturday, August 14, 1993, the City of Pittsburgh will host 150 youth and staff from the Pennsylvania Conservation Corps and the Summer Youth Service Corps programs in the 23 western counties of the Commonwealth of Pennsylvania; and

WHEREAS, these volunteers will be working in and around the Panther Hollow section of Schenley Park on a series of projects, some of which were begun by the Pennsylvania Air National Guard, others were begun by members of the Works Progress Administration in 1939 and are in need of repairs; and

WHEREAS, this effort is being organized under the auspices of the Pennsylvania Service Delivery Area Association and its members and the Pennsylvania Department of Labor and Industry working jointly with Pittsburgh's Partners in Parks Program, the United Way of Allegheny County and the Office of Mayor Masloff.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby welcome the Pennsylvania Conservation Corps and the Summer Youth Service Corps volunteers to Pittsburgh, and further thanks these volunteers for their efforts as well as the Pennsylvania Fish

and Boat Commission for restocking the Panther Hollow Lake with fish; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby proclaim Saturday, August 14, 1993 as "Pittsburgh Service Day" in the City of Pittsburgh.

Mr. O'Connor moved to adopt the resolution.

Mr. Ferlo seconded the motion.

Which motion prevailed.

Mr. Onorato presents

No. 3082 WHEREAS, Martin Kaylor, a resident of Brighton Heights, graduate of St. Cyril of Alexandria Grade School and North Catholic High School, student at Dayton University, and a member of St. Cyril of Alexandria Church, has been involved in scouting for eight years; and

WHEREAS, Martin Kaylor joined the troop in grade school and has worked his way up to the rank of Eagle Scout; and

WHEREAS, Martin Kaylor, a member of Troop 348, Brighton Heights, has earned the distinction of becoming an Eagle Scout by fulfilling all the necessary requirements and accumulating 23 Merit Badges; and

WHEREAS, Martin's Eagle Scout project involved rebuilding an entire wall for St. Cyril of Alexandria Church, in addition to cleaning, remodeling and chores of all kinds; and

WHEREAS, a very small percentage of the boys who become involved in Scouting ever attain the rank of Eagle Scout.

NOW, THEREFORE, BE IT

RESOLVED, that the Council of the City of Pittsburgh recognizes the dedication, hard work and effort put forth by Martin Kaylor in his attainment of the rank of Eagle Scout.

Mr. O'Connor moved to adopt the resolution.

Mr. Ferlo seconded the motion.

Which motion prevailed.

Mr. Onorato and Mr. Smith present

No. 3083 WHEREAS, for the past five years, The Salvation Army has held a Homeless/Community Picnic to bring attention to the problem of the homeless in our City; and

WHEREAS, the theme of this year's picnic will be prevention, as well as awareness, to make the community at large understand that homelessness is not a disease and that homeless people are not all vagrants and substance abusers; and

WHEREAS, The Salvation Army wants the community to realize that homeless people are mothers, fathers, sisters and brothers, and have feelings, hopes and dreams like everyone else; and

WHEREAS, the 6th Annual Homeless/Community Picnic will be held on Monday, August 30, 1993 in West Park on the North Side, to show Pittsburgh that the homeless are in need of a helping hand, not a hand out.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby declare Monday, August 30, 1993 as "Homeless Awareness Day" in the City of Pittsburgh.

Mr. Smith moved to adopt the resolution.

Mr. Ricciardi seconded the motion.

Which motion prevailed.

The Chair:

I'm honored to present this next resolution today and I'd like to ask John J. Lotz and Irv Bayman to please step forward to receive this resolution.

These two gentlemen worked tirelessly on behalf of Disabled American Veterans and this resolution is a very important resolution for the upcoming Forget-Me-Not Day in September.

The Chair presents

No. 3084 WHEREAS, on July 17, 1993 the Disabled American Veterans kicked off their annual "Forget-Me-Not-Drive" to raise funds for disabled veterans on a national level; and

WHEREAS, the "Forget-Me-Not-Drive" provides an invaluable service to the veterans of this country by raising needed funds to purchase transportation vans, hospital equipment, and such items as stereos and microwaves for patients in Veterans Administration Hospitals throughout the country; and

WHEREAS, the Disabled American Veterans, Pittsburgh Chapter #8, will once again join in the "Forget-Me-Not" effort through the sale of the Disabled American Veterans' Forget-Me-Nots in the Pittsburgh area during the week of September 17, 1993.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend the Pittsburgh Chapter of the Disabled American Veterans for their participation in serving the disabled veterans of this country; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh declares Friday, September 7, 1993 as "Forget-Me-Not Drive Day" in the City of Pittsburgh.

Mr. Ferko moved to adopt the resolution.

Mr. Darkins seconded the motion.

Which motion prevailed.

The Chair:

Gentlemen, we're delighted to have you here today and honored to present this resolution to you.

John J. Lotz is a Hospital Service Coordinator for the Disabled American Veterans. And Irv Bayman is the Commander of District 6 of the D.A.V.

I can't say enough being a member of the D.A.V. of how much all of you do not just on this day but throughout the year helping veterans in our hospitals and our nursing homes in many, many different ways, and this is just one of those ways in which you provide a valuable service to this community that has proportionately many more veterans and disabled veterans than most cities and most areas throughout the country.

So, gentlemen, we're honored having you here today. I know that Jay is a guy who has never been lost for words and we're going to let him take the microphone.

Mr. Lotz:

First of all, I would like to thank the President of City Council, Jack Wagner, for this opportunity. I'd like to thank the Councilmembers for their support.

I just want to tell you that the Disabled

American Veterans here in Chapter 8 have over 1,800 members in their chapter. In the Pennsylvania area, we have over 60,000 members and throughout the United States it goes well over into the millions.

I would like to take this opportunity to tell you that every time a veteran is seen as a Disabled Veteran, we often associate that person with something bad when we should associate it with something very good. We have men out there that have burdened themselves through military service and in that process have gotten injured. The Disabled American Veterans recognizes that and does everything they can to help them by providing a van to transport them to and from their home, to the hospital, by buying television sets or stereos or microwaves, things that would make their stay in the hospital a bit more bearable.

The individuals that are in the Disabled American Veterans are dedicated individuals. They're dedicated to each and every veteran, whether they be affiliated with the D.A.V. or not. Therefore, we want to tell everyone that on September 17, when you see Disabled American Veterans on the street corners of Pittsburgh, and they have these cannisters with these Forget-Me-Nots, don't hesitate to put some money in there because this goes to help serve the Disabled American Veterans and all veterans, no matter what organization they may be from.

I want to thank you all again for your kindness and your opportunity and the proclamation. And on behalf of everybody, I want to say that you're doing a fine job. Thank you.

Mr. Ferlo:

Mr. President, I move to recess this meeting until Wednesday, August 18, 1993 at 9:00 a.m.

Mr. Darkins seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Ferlo**

Council recessed.

Pittsburgh, PA

Wednesday, August 18, 1993

And the hour of 9:00 a.m. having arrived and the time of recess having expired, Council was reconvened.

The Meeting was opened by the recitation of the Pledge of Allegiance to the Flag of the United States of America, and a moment of silent prayer for peace throughout the world.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

UNFINISHED BUSINESS

The Chair:

No. 3085 Communication from Sophie Masloff, Mayor, returning with her veto Council Bill No. 740 entitled, "An Ordinance supplementing the Pittsburgh Code, Title Six, Conduct, Article I, Regulated Rights and Actions, Chapter 601, Public Order" by adding Section 601.19 entitled, "Loitering for the Purpose of Engaging in Drug Related Activities".

Which was read.

(MAYOR'S VETO LETTER)

August 16, 1993

President and Members
City Council
City of Pittsburgh
510 City-County Building
Pittsburgh, PA 15219

RE: Bill No. 740

Dear President and Members:

After review and consideration of all the relevant circumstances, I am returning herewith Bill No. 740 which I hereby veto.

It is recognized that the concept of an anti-drug loitering ordinance was included as an element of my crime control package in November, 1992. Councilmembers separately advocated such legislation and caused it to be brought to a vote this month.

Initially, in November of 1992, there was interest expressed in the concept of such a regulation by many segments of our community. Since then, however, we have all gone through a learning process. Just in the past few days I have heard from many individuals and organizations who, after weighing the pros and cons, have decided that they cannot support the legislation. This potential tool was one that was intended to benefit the community as a whole. I believe that at this time it will be more devisive in our community than it would be a meaningful tool to our police.

Additionally, there are significant constitutional issues that are raised by such legislation. There are arguments that such legislation is vague, overbroad and violative of substantive due process. There is, therefore, great likelihood that this legislation will be tied up

in litigation and throw us into a legal quandary with respect to liability for enforcement.

More meaningful tools for combating drug related crime are available and are being utilized by the Public Safety Department. For example, D-Mapping, coordination with federal and state law enforcement agencies, and the full implementation of our community policing strategy are used each day by O.N.I. and other divisions within the Department. More police are on the street and highly visible in hot spots than ever before and beat police are active in over fifty (50) neighborhoods. The police are actively working to inspire confidence and cooperation in City neighborhoods and we have the means and abilities to break up drug activity without taking this measure. In fact, to enact such a loitering measure would seem to contradict these efforts to work with neighborhoods and citizens organizations.

I believe that all those involved have had only the best intentions. I believe, however, that a stronger consensus is needed in order to make it a positive public safety tool rather than a devisive and destructive effort.

Very truly yours,

Sophie Masloff
Mayor

(END OF VETO LETTER)

Mr. Ricciardi moved to override the veto.

Mr. O'Connor seconded the motion.

Mr. Ricciardi:

Mr. President, I'll be brief on my remarks early this morning for a number of reasons. First, we have debated this bill and discussed this bill at length in these Chambers during several

Committee Meetings, and also during two public hearings. Also, the media has reported the bill widely and I'm sure all of us have received correspondence or telephone calls in our offices.

However, I would like to say that I am very disappointed that Mayor Masloff did veto the anti-drug loitering legislation. This ordinance would have specifically targeted open-air flagrant drug markets here in the City of Pittsburgh, of which there are 33, and they continue to increase here in our City. As a matter of fact, from the numbers that are reported from the Department of Public Safety, in 1990 when I first took office, there were 15 open-air drug markets throughout the City of Pittsburgh, and may I state mostly in the East End. Today there are 33 and they are definitely flourishing.

I'm a little confused because, in essence, Mayor Masloff has vetoed her own bill. I first introduced this ordinance in April of 1992. From there we had a public hearing in June of 1992. In November of 1992, Mayor Masloff, during her speech, gave her Crime Package Bill of which there were 8 points. Point No. 7 was the anti-drug loitering legislation, an ordinance. From that, in my office I have a memorandum from Mary Conturo asking me to remove my bill from the table and substitute her bill, Mayor Masloff's bill. And that's important to keep in mind.

From there, obviously, we had another public hearing. Mr. Dan Onorato who chairs the Department of Public Safety became very involved, co-sponsored the bill, and also held a meeting at our conference table with people there who are opposed to the bill, also the City Solicitor's staff, and we made appropriate amendments to Mayor Masloff's bill. Again, I have that memorandum in my office asking me to make those amendments from the City Solicitor's Office.

May I also state that this bill has definitely

had a wide base of support here in the City of Pittsburgh. It was supported by the UCAN group, which is the United Citizens Against Narcotics, which is a committee of the City-wide Public Safety Council. At the very beginning, it also had support from the NAACP and also we received a letter during our preliminary vote from Leon Haley who is the Executive Director of the Pittsburgh Urban League.

In my district, it definitely had support, and that is the reason I first introduced this legislation because in my district we have an open-air flagrant market. It has support from the Beltzhoover Neighborhood Council, its President and its Officers. It had wide support in the Allentown, Knoxville and Beltzhoover area, of which there is now a Public Safety Association headed by Reverend Jonathan Linman.

Also, keep in mind during our public hearings it had support from a District Magistrate, District Justice Kevin Cooper from the Homewood Brushton area who said that he deals with this on a daily basis.

If I may, after the presentation of the bill, I believe a local television station did a poll. It was not a call-in poll; it was actually when they went out and did the research method and did a poll and it had wide support City-wide here in the City of Pittsburgh.

Once it was even broken down between White and Black, as they distinguished it. Even in the minority community, our African American community and almost 2 to 1 the African American community supported this bill.

Some of the criticisms of the bill, colleagues, was, number one, was it constitutionally sound? Can it withstand a challenge from the ACLU, a group that continues to obstruct legislation that would deal with the matter of crime in the City of Pittsburgh? One just

remembers in a surrounding municipality who had a loitering law for several weeks that was very successful. However, the ACLU threatened suit that morning. The municipality dropped and refused to enforce their loitering law. And that evening a 14-year old boy was stabbed, lost his life, on the same corner where they were enforcing the loitering law.

Going back to, is the bill constitutional. We have before us a letter dated January 13, 1993 to the Executive Director of the ACLU, American Civil Liberties Union, from our Solicitor with the full weight of the Administration and our Law Department when Mayor Masloff was still backing her bill. And I would just like to read a few sentences from that.

"At the outset, I would like to note that the City's ordinance is based on almost identical ordinances adopted in the City of Akron, Ohio and in the City of Sanford, Florida. Both the Akron ordinance and the Sanford ordinance survived challenges to their constitutionality."

It goes on to talk about the question of vagueness.

"I would also like to correct two apparent misconceptions regarding the ordinance. First, the ordinance in no way attempts to void the probable cause standard for an arrest." And it also talks about, "The ordinance in no way is vague." Again paralleling other ordinances throughout this nation.

As a matter of fact, it goes on to say that a person cannot be arrested simply for taking any of the actions listed in the A criteria. The A criteria of the bill. They can only be arrested if the person's conduct would give the officer probable cause to believe that that person was engaging in drug related activities.

Again, I really commend Mayor Masloff

because at the outset my bill talked about an arrest, not just a summary offense. I still believe in the notion of arrest, but she had believe that that would not withstand the constitutional test. She made certain changes to my bill and she is to be commended for that.

Another criticism of the bill is, does it target the minority community. Again, in the same letter by Mary Conturo, our Solicitor, with the full weight of our Administration and Law Department says: "Finally, let me state clearly that the ordinance does not, on its face value, and will not in its application, discriminate against minorities. However, we are also sensitive to the concerns that you have raised regarding this issue and will review the enforcement of this ordinance to ensure that it is not being applied in a discriminatory manner, and will vigorously investigate any complaint raised in the future regarding the application. The intent of the ordinance is not in any way to inflict more burdens on those living in the poorer neighborhoods that you identify in your letter but to assist them in their efforts to eradicate the drug trafficking that preys on these more vulnerable areas of society."

As a matter of fact, I'd like to take off on that. Out of the 33 open-air drug markets, the majority of them, if not all of them, are in our definition of poorer neighborhoods. Neighborhoods that are suffering either economic blight for one reason or another, and neighborhoods that are really suffering under the cloud of crime and violence and scare tactics. And a majority of these open-air flagrant drug markets are in our minority community. A majority are in communities that are predominantly Black in nature.

My Beltzhoover neighborhood, which is predominantly African American which I represent, fully supports this bill because they want to eradicate that drug market out of their

neighborhood.

But selling drugs is not limited to the Black neighborhoods. For example, Susan Larkin, President of the Mexican War Streets Society says, "My neighborhood is really an equal opportunity drug dealing area. We have White drug dealers and we have Black drug dealers. And we have a big problem."

If you go on and look at the testimony from Chief Buford, and his testimony at the public hearing which, again, he reiterated several times, says, "There's a bigger picture. There's a silent majority of African Americans throughout the City who call me constantly complaining about the open drug markets within the City, and particularly in the African American communities. Certainly we will never violate anyone's constitutional rights."

Chief Buford is saying several things there. Number one, this is not going to be targeted against someone because that person is a person of color. But he's also saying that the majority of the problem is in the African American community. And those are the people who are really screaming out for help.

Obviously, we're going to have leaders, leaders in the African American community that are going to be opposed to this. I find it ironic, though, at the very beginning they were not opposed to it. They supported the bill. And I've been on several talk radio shows, and so has the co-sponsor of the bill, Mr. Onorato. And let me say, and I'm sure the tapes will show that from the stations including WCXJ, 1550 Black Talk, located in Homewood Brushton, that the overwhelming African American citizens support this bill.

Let me go on to say, who are the real losers today? It's not the supporters of this bill on this Council. It's not the people who have

supported this bill in the past, Mr. Wagner, Mr. O'Connor, my colleagues, Mr. Onorato, Mr. Cohen and Michelle Madoff. It's not the United Citizens Against Narcotics, a group that Jack Wagner has worked very closely with. It's not Gene Ricciardi, because when I go home tonight on 16th Street in the South Side, I'm not going to witness or experience an open-air flagrant drug market. I'm not going to experience the violence that is associated with this type of drug dealing, including drive by shootings. Mayor Masloff is not going to experience it in a security building in Squirrel Hill.

The real losers today are the people that are going to experience this day in and day out. The real losers today, if this bill fails, are the people that are going to experience the violence associated with open-air flagrant drug markets here in the City of Pittsburgh this evening.

What I say to you today, when Mayor Masloff visited Cunnard Park during the festivities and she mentioned to our local reporters that she received violent opposition to the bill, I wish she would have visited the Beltzhoover Neighborhood Council festivities. I wish she would have visited the Knoxville Block Watch groups in District 3. And she would see the violent support for this bill.

I wish she would have sat down with the Public Safety Councils and the United Citizens Against Narcotics, and she would have seen the violent support for this bill.

I wish she had an opportunity to talk to Public Safety officials throughout this nation who have quoted and said, from the cities in Florida, that an ordinance like this has dramatically reduced the notorious drug markets in their cities. I wish she had an opportunity to talk to them.

The losers tonight are not Gene Ricciardi

on 16th Street, are not Mayor Masloff in Squirrel Hill. They are the people who are going to feel the effects of these drug markets and the associated crime with them.

Let me just say I really want to thank my colleagues who have supported this bill, have spoken out for it. I want to thank all the people who did all the work with the United Citizens Against Narcotics, Co-Chaired by Kevin Fisher and Maureen Kato. Thank my groups that have stood with me. The African American community that two days ago was on our local television show, 50 in strength from the Beltzhoover Neighborhood Council, the integrated neighborhoods and the Block Watches of Knoxville that stood with this bill.

And, again, the real losers are going to be the people in those two open-air drug markets in my neighborhood. One is in a predominantly White neighborhood, Allentown, and one is in a predominantly Black neighborhood, Beltzhoover. Those are the real losers.

And let me just say I'm going to continue to work on legislation like this. For the people who witnessed this this evening from my district, they can call my office. But throughout the City of Pittsburgh, if you are in any way experiencing this this evening and this bill goes down, I urge you tomorrow to call Mayor Masloff's Office at 255-2626. Do not let them transfer you to the Mayor's Service Center. If someone does not speak to you, ask for an aide, either Mayor Masloff's, George Whitner, Jim Turner, Terry Woodcock, Mary Lou Daniels. And if they try to transfer you over, call my office at 255-2130 and I will give you their personal numbers.

It's time that you send a message to Mayor Masloff that the additional beat officers are great but it's not working. It's not working because they continue to increase in numbers. It's not working because they're sophisticated

from lookouts, to the person who hails the car, to the person who makes the deal, to the person who walks away.

I spoke to our Chief Magistrate, Sue Ruffner. The problem is, you can only get them on a conspiracy charge if they stick around when the deal is being made.

Under this legislation, we're going to break up the sophistication. We're going to break them up. We're going to stop them from going from entrenched to permanent. On that note I'll end.

Mayor Masloff's number is 255-2626. If you experience this this evening. Don't let them transfer you to the Mayor's Service Center where all they do is take a report. Speak to one of their aides. If you can't get through, call my office and I'll give you all their personal numbers.

And I said I was going to be brief, Mr. Wagner. Thank you for that indulgence.

Mr. Darkins:

I really admire my colleague, Gene Ricciardi. I can remember some years ago when we came on Council together he didn't have too much to say. But he's having a lot to say today.

I can also say in truth that he has visited our church on many occasions and the next time he comes after his deliberations today, I think I'm going to invite him to the pulpit.

But I also have to take the stand that I've had all the time. Number one, I cannot be critical of Mayor Masloff. I think she is doing this in good judgement. I think she has done her homework. I'm glad that she went to Cunnard Field. She has been in Homewood and she has been in other areas. She may not have had the opportunity to go up to Allentown or to

Beltzhoover, but I think Mayor Sophie Masloff sees the light and she understands our problem that we are encountered with.

I think when I was making my announcement that I was going to be a candidate for Mayor, I also made mention of something else that my colleague, Gene Ricciardi, said. Sure, we can put on a thousand more policeman, and that will not help solve our problem.

I think the problem is that we have to continue as Councilpeople, representatives, to have a relationship with our constituency and the people in our neighborhood groups. I think that's the thing that has to be done. That's what's really missing in government.

I also feel that after yesterday, just yesterday, as I sat in the Carrone Street Baptist Church, the funeral services for the boy that was killed in Homewood, and I looked at all of the young people, the church was packed, and I saw those that were in sorrow and tears. And what an experience that has transpired. But it's not only just Allentown. It's not only just Beltzhoover. It's all over the City of Pittsburgh. And to bring our people unsuspecting, just walking along the streets.

I have to continue to talk about it. I think of all of those children that we have at our day camp right now. 213 children. And I think of their lives and I think of the safety of their lives and what is transpiring. And yet and still, do you mean that we're going to take our people - when I say "our people" I'm talking about the African Americans - are we going to put them on a plantation? Is that the type of government we want? Is that the type of subjections that we want? I don't think that's the right answer.

As far as the European community, I heard Mr. Ricciardi speak about Squirrel Hill. They have gangs in Squirrel Hill. They have

people standing on street corners in Squirrel Hill. But there is some difference that is being made and I'm subjected to that. And I cannot say that I will not be a part of anything that is going to jeopardize the freedom of the citizens of the City of Pittsburgh.

I thank you very much, Mr. President, for this time.

Mr. Smith:

I guarantee it will just be a minute's speech.

I want to thank the Mayor. She proves that wisdom does survive in government. Her ability to look at a position, to listen to the input that people give her, her ability to understand the issue. And I'm very proud that she has stood up for the human rights and the civil rights of the individuals in this City.

I will be happy to work with my learned colleagues in the future to address this particular problem, but this particular bill is not a solution nor an answer to a cry from the mass public.

I wish to basically thank my colleagues for supporting my stand against this bill.

And I definitely would like to thank the Mayor for, if what my learned colleague says about her past position before I was here, that she had the wisdom to review and comprehend and change her mind, and the courage to actually send a veto over.

So, I would like for us to vote on this issue and thank all of my colleagues for standing with me.

The Chair:

I have a couple comments. I have been

involved in this issue since its inception, to some degree with Councilman Ricciardi and Councilman Onorato, but more importantly, with the United Citizens Against Narcotics. And it really is very important to mention that group and to say how much they do and have done for years in this City to bring to the attention of elected officials the narcotics problem that exists throughout this City and throughout this region. It is not just a City of Pittsburgh problem. We all know that.

I have felt since the outset that this legislation has been massaged and lessened in impact many times to make it much more sensitive to the constitutional issues that have been brought up. And for that reason, I have felt that it is a sound piece of legislation. We even included a trial period to evaluate the legislation which, in fact, I think was a significant part of the legislation.

And, if you look at it from my perspective, I really think it's a moderate approach of addressing the drug loitering problem that goes on, again not just in this City but in every community in the country. And we as a municipality need to utilize whatever tools we have available to address that problem.

The fact of the matter remains that 50 percent of all major crime that exists in this City and in this country is drug related. And I'm talking about homicide, rape, robbery, burglary. I'm talking about all major crimes. That is a statistical fact. Whether or not we want to accept it, it is a statistical fact. And if it is a statistical fact, we as a legislative body, in my opinion, should do whatever we can from a legislative perspective to address the problem. And do it in a sensitive human rights fashion where we can address the problem and address those involved in the problem and apprehend those people.

I can tell you all 88 neighborhoods in the

City of Pittsburgh have a drug problem. Every single neighborhood in Southwestern Pennsylvania has a drug problem. First and foremost because this country will not face up to the problem and will not deal with the problem at the highest levels of government. Secondly, because higher levels of government also have relinquished significant responsibility to address the problem. Therefore, the problem ends up in City Council Chambers, not just in this City but in every municipality in the country.

So, we argue and fight and deal with legislation and try to address the problem in whatever way we can. And I have felt that with the input of Chief Buford, with the input of the United Citizens Against Narcotics, with the input of many people, that this legislation was a moderate approach to address the drug problem and the youth drug loitering problem that exists in this City.

Similar legislation has been implemented in many cities, and I was hopeful that this legislation could pass. I'm disappointed that the Mayor has vetoed the legislation. Obviously, it needs six votes in this Council. There is not enough support for the legislation.

I have also said many times that this being a moderate approach to the problem, a more drastic approach which has been implemented by many municipalities in this region has been a curfew. Councilwoman Madoff and some others have supported a curfew. I, for one, if legislation such as this type of legislation cannot be passed, and if the open drug loitering problem cannot be addressed effectively, I would consider supporting a curfew legislation in the City. That's the first time I've ever said that and I've said that because I felt that legislation specifically addressing the problem such as the legislation in front of us was a more moderate approach to the problem.

But we have to face up to the fact that we have a problem. And we have to use whatever tools we have available to address it because, again, crime is increasing everywhere and 50 percent of it is related to drugs. And that statistic has been a constant statistic for the last ten years. It has not changed. And will not change unless all levels of government do whatever they can to address the problem.

I'm voting to override the veto. I know the votes are not here. I'm not here to argue or differ with my colleagues. I respect all of your opinions for and against the legislation. I simply think that we have to do whatever we can to address a serious problem and, in fact, I don't think we're doing that by defeating the legislation.

Mr. O'Connor:

I'm supporting Councilman Ricciardi, and I agree with you that it probably won't pass. I, too, was against a curfew. I don't think that's the right approach. This is a much more milder approach. But I see it coming.

I was with some people the other night who are in their 60's and said in Pitcairn and Turtle Creek when they were kids, they had a whistle blow at 10:15. And that was way before the drug problem. That told everybody what time to be home.

Every time we get into this loitering issue, it seems to become a Black/White issue and in my mind it shouldn't come to that because loitering is the biggest problem I have in my district from teenagers of all colors. The senior citizens are afraid to go out at night. And this is going to lead to possibly a much tougher situation.

It amazes me that some of the leaders, and the ones possibly that address Mayor Masloff, are the ones crying out the most when something

happens. What do they want? They want police, law and order. They want to protect their little angels who are on a drug corner at 2:00 in the morning. So, when they do call us and complain, I think they ought to call, as Mr. Ricciardi said, we'll give them the Mayor's number. Let's give them the ACLU number, and some of our leaders in Washington and these little judges that don't have the guts that Mr. Ricciardi has shown and Onorato, to introduce this and try to address it.

I support them and commend them. At least this Council is addressing it. We don't probably have the tools to really enforce it and get it through, but at least we're doing something and we're sending a message to our constituents in this City that we aren't going to put up with it. And I hope the people who are against it will come up with a better answer because I think we'll all support it.

The Chair:

Is there any further discussion on the motion to override the veto?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. O'Connor
Mr. Ricciardi

Mr. Wagner
(Pres't)

AYES 3

NOES 3

VOTING NO:

Mr. Darkins
Mr. Ferlo

Mr. Smith

And there not being a majority of the

votes of Council in the affirmative, the veto was sustained.

REPORTS OF COMMITTEES

Mr. Cohen presented

Bill No. 3086

Report of the Committee on Finance for August 11, 1993 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2963

A Resolution entitled, "Resolution providing for the issuance of a \$1,443.46 warrant in favor of Kenneth Macura in settlement of claim for automobile damage."

Which was read.

Also,

Bill No. 2964

A Resolution entitled, "Resolution providing for the issuance of a \$991.02 warrant in favor of Leonard and Cynthia Cwiklik in settlement of claim for property damage."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 6

NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 2967

A Resolution entitled, "Resolution transferring the amount of Seventy Thousand (\$70,000.00) Dollars from Code Account 1688, Recycling, Index Code 168807, Department of Public Works, to Code Account 1132-5, Radio Improvement, Index Code 113258, Department of General Services."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner

(Pres't)

AYES 6 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3016

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Parking Lot Painting, Inc. in the amount of \$1,150.00 for the removal of the composite double yellow centerline pavement marking on Morewood Avenue between Forbes and Fifth Avenues; and providing for the payment thereof."

Which was read.

Also,

Bill No. 3039

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of C. Megan Hughes, 1229 Denniston Avenue, Pittsburgh, PA 15217, in the amount of \$407.00 in payment for professional consulting services rendered to Councilman Dan Cohen for the month of July, 1993." ---**(SPONSORED BY MR. COHEN)**

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Darkins Mr. Ricciardi
Mr. Ferlo Mr. Smith
Mr. O'Connor Mr. Wagner
(Pres't)

AYES 6 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 3040

A Resolution entitled, "Resolution a Resolution of the City Council of the City of Pittsburgh determining to incur lease rental debt in the maximum principal amount of \$16,500,000 by entering into a guaranty agreement with the Stadium Authority of the City of Pittsburgh; authorizing and directing the proper officers of the City to prepare, certify and file a debt statement and a borrowing base certificate and to execute, attest and deliver a guaranty agreement; approving the form of guaranty agreement; specifying the maximum amounts to be paid by the City pursuant to the guaranty agreement; pledging the full faith, credit and taxing power of the City; providing for proper officers of the City to take all other required, necessary or desirable related action in connection with the project and guaranty agreement; providing for the effectiveness of this resolution; and providing for repeal of all inconsistent resolutions or parts of resolutions."

Which was read.

The Chair:

I'd like my comments brought forward on
Bill No. 3040, please.

(REMARKS ON FOLLOWING PAGES)

(BEGINNING - MR. WAGNER'S COMMENTS ON BILL NO. 3040, WEDNESDAY, AUGUST 11, 1993)

Mr. Wagner:

Director and Mr. Turner, give us an overview. Tell us what's going on here, why it is happening and what are the reasons for doing it.

Mr. Turner:

Let me defer to Mary on that to start the discussion.

Ms. Conturo:

Just to give you a little history on how we got to this point. In 1985 bonds were issued that were guaranteed by the City, those were higher interest-rate bonds that are available in today's market so what we are looking at is a cost savings refunding. The refunded bonds will similarly to the bonds to be refunded be guaranteed by the City.

The savings that we are looking at -- let me first tell you that the bonds that are being refunded have principal payment dates every year on October 15th and what we're trying to do is have refunding done before that October 15th date so that the savings can be taken both this calendar year and next calendar year so that next year's budget gets the full benefit of this.

In order to do that these are Stadium Authority bonds with a guarantee of the City. It's the Stadium Authority that issues the bonds. We are preparing to have the ratings and the insurance done in time for a Stadium Authority meeting on August 26th I believe. Because Council will be on recess during that period, what is before you is a resolution that authorizes a guarantee with a maximum principal amount and really a maximum savings of three percent of the principal amount of the bonds that are outstanding.

In today's market the savings that we anticipate is really five percent of the principal amount which translates into \$420,000.00 for this calendar year and about \$260,000.00 for the next calendar year.

Mr. Wagner:

Any savings beyond that?

Ms. Conturo:

There is savings every year after that but those are the two large amounts.

Mr. Wagner:

What is our total outstanding debt at the stadium and is all this inclusive of that debt?

Ms. Conturo:

This is a small amount of the debt that's outstanding with respect to the stadium. This is only \$15 million I believe.

Mr. Turner:

This is the only issue that it makes economic sense to refinance. There are certain rules of thumb that you look at. You want a minimum of three percent of the present value savings as compared to the bond's issue. It's kind of the current standard rule of thumb. Right now we can get about five percent which is actually very good. The complexity that was involved here was really not -- economically we have known for quite some time that it was advantageous but what has happened here is that when the bonds were originally issued, it was prior to all of the tax law changes in 1986 and so we had make sure that by doing a refinancing we would preserve the tax-exempt status of the bonds, obviously that was critical and so we have spent a long period of time making sure that we had that. In fact, we have now gotten clear write-offs from both bond council out of Western Pennsylvania and underwriters council out of Philadelphia giving us the comfort that this would be tax exempt.

What we plan to do with the savings so that everyone is aware at this point is that I recently let everyone know that we are currently carrying more police officers than we have budgeted for and that we have funds for. Now we have transferred some money into that account because we're carrying a higher number because so many of them are at the academy and to reduce the number I would have to reduce the street presence because so many officers are in the academy and so what we'll do is we'll transfer this savings into the police account in order to pay for the savings through the end of the year and so we won't have to reduce the number of street officers until these individuals come out of the academy.

Mr. Wagner:

Getting back to the debt, how much do we owe at the stadium, how much does the City owe in terms of bonds at the stadium and is this \$16.5 million simply the amount used back in 1985 for the new field and several other structural improvements?

Mr. Turner:

No. This is the bond issue that was used -- it was a bond issue by the stadium passed to the City, passed to the URA and then resulted in an economic loan to the Pirates to keep the Pirates in town. So while the Stadium Authority actually issued the bonds, the City pays the debt service and that's what this bond issue is.

Mr. Wagner:

Was that for \$16.5 million?

Mr. Turner:

That was a \$21 million issue.

Mr. Wagner:

What we presently owe on that \$16.5 million?

Ms. Conturo:

We are only refunding the bonds that make economic sense to refund so there are some maturities in this series that we are not refunding.

Mr. Wagner:

What is the term of the bond?

Ms. Conturo:

Of the new bonds?

Mr. Wagner:

Yes and the hold? When will this debt be settled ultimately and I'd still like to know what is our -- what remaining debt do we have on that facility? In other words what's our total debt? Do you know that?

Mr. Turner:

No, I don't have that handy. The way the finances flow are that this is the only debt service that the City is responsible for. The other money that we provide the Stadium Authority on an annual basis with \$1,820,000.00. That comes from two components; \$500,000.00 from the Capital Budget usually and \$1,320,000.00 from the Operating Budget. That provides the subsidy for the stadium in order to meet all of its obligations. Among the stadium's obligations are debt service. The exact amount of that I can check it and get back to you.

Mr. Wagner:

I'd like to know that. That question is asked me several times, what do we owe on the stadium?

Mr. Turner:

I'll get you that.

Mr. Wagner:

But this is primarily and only for keeping the Pirates in Pittsburgh.

Mr. Turner:

This was the bond issue that was used solely to provide the loan for the Pirates and the City pays the debt service on it and we have now found a way to lower that debt service.

Mr. Wagner:

What is the interest rate on this debt and the proposed interest rate on the refunding?

Ms. Conturo:

Probably what I need to do is give you a hand out but to answer your prior question, the final maturity on this will be 2005 as was the final maturity on the bonds that will be refunded. I don't have the underwriter's --

Mr. Zubasic:

The proposed interest rate on this refinancing issue and of course that's subject to marketing conditions when we actually go into the market but in today's market it's approximately 4.9 percent. The outstanding interest rate, the bonds that are to be refinanced I believe hover somewhere around seven percent, close to seven percent, so there's over two percent difference in the interest rate that we would reduce.

Mr. Turner:

I can answer your earlier question now. The debt owed on the stadium is approximately \$17.5 million and that's what's remaining and I believe it lasts through the year 2011.

Mr. Wagner:

So our total debt related to that facility is \$17.5 million and in regard to the facility itself and \$16.5 million that is

in front of us for refinancing pertaining to keeping the Pirates in Pittsburgh.

Mr. Turner:

Yes.

Mr. Wagner:

So we're talking about \$34 million total.

Mr. O'Connor:

I thought it was a lot higher than that.

Mr. Turner:

I think some of the other debt was refinanced by the City but rather than try to do this peacemeal, I will give you a full report on it.

Mr. Wagner:

I'd like to know that. If you can get us that prior to final vote on this, when are you looking for a final vote on this bill?

Ms. Conturo:

Final authorization by the City this coming Monday.

Mr. Wagner:

Okay. This is obviously a negotiated rather than a competitive deal?

Mr. Turner:

Yes. Basically it's a refinancing. There is no new money here and the market timing is what's critical on this and we are proposing it be done in a negotiated manner using local underwriters.

Mr. Wagner:

Who are they?

Mr. Turner:

The local underwriters that we're proposing to use are PNC, Mellon and then W.R. Lazard.

Mr. Wagner:

And in terms of the cost of the deal and the actual interest rate how do you think the negotiated stands up with competitive when you look at the whole deal?

Mr. Turner:

We have had lots of discussions at this table on that subject. You have to be very careful when you do a negotiated deal to ensure that you're getting a market rate. You may recall a report that was done not too long ago for City Council and what it showed is that when they looked at issues that had nothing to do with the City and included other entities, the competitive issues fared better than the negotiated issues, however, when the focus was solely on the City issues, in fact the negotiated issues that were City and city related actually did a little better than the competitive issue that was compared. When we do a deal like this, when you finally go to market day when you are determining the rate that you're paying, we go there with a financial advisor who is employed by us and paid by us and the job of the financial advisor that day, among other things, the principle job that day is to make sure you get a market rate. So the point is when you are doing a negotiated deal, there are advantages but you have to be careful to make sure that you're getting a market rate but as long as you are it's actually a more flexible way of doing it.

Mr. Wagner:

One of our colleagues has talked about competitive deals and has really brought a very important issue in front of Council and I'm pleased that she has and has helped to educate me in the process.

Mr. Turner:

If I can offer on that with her absence, I'm here the rest of the week. If anyone cares to have another meeting, public or private when she's there to go over that I'll make myself available.

Mr. Wagner:

I'm pleased to see that in the negotiated your lead companies are Pittsburgh-based companies. Quite frankly if they were not I would have voted against it because I believe the PNC and Mellon being both within the top 25 financial institutions of this country deserve and should be part of deals going on here, bond issues within city government and authorities related to city government so Mr. Turner, let me compliment you for having PNC as the lead underwriter and I believe Mellon; correct?

And finally the big question is, why don't we increase the dollar volume that we are borrowing to settle the disagreement that exists with the Pittsburgh Pirates?

Mr. Turner:

I believe very strongly that you can't negotiate disagreements publicly. Obviously this is a public setting. There have and will continue to be discussions between the parties. Obviously what you say publicly you have to say very carefully. We are hoping, we don't know this, we are hoping that with the settlement of one component of the lawsuit that the other part will subsequently be dropped because it's a lot easier and more reasonable to negotiate when you're not under the presence of legislation than otherwise. This city, this mayor, this administration is very much concerned with the status of major league baseball. Fortunately for all of us major league baseball is at this very moment addressing two of the major issues confronting them both in terms of how they share revenue and in terms of player's salary caps. What they do there is probably far more important than anything we do in determining the market viability -- not just the franchises of Pittsburgh but of franchises all over the country. So we're hoping that that will be successful and we will continue our process and we are hoping that by if the remainder of the lawsuit is dropped that we can really roll up the shirt sleeves and get on with that.

Mr. Wagner:

Why not a \$20.7 million refinancing and increasing the value of the bond issue and simply get the major legal disagreement with the Pirates behind us?

Mr. Turner:

The major legal disagreement with respect to the Pirates concerning the "Caliguiri Promise" is behind us and the courts have ruled on that. So the biggest issue confronting the City, the Stadium Authority and the Pirates deal with the lease arrangements and I think that has to be negotiated. It's very complicated, there are many factors involved there are scoreboard revenues, lounge box revenues, parking revenues, there's a fact that the Steelers are also a tenant there and all of those things are involved and I agree with you that I would much prefer to negotiate that than to litigate that but right now the next step is in there court.

Mr. Wagner:

I support this legislation in front of us. Obviously it's a significant savings to the taxpayers of the City of Pittsburgh and we'll vote in behalf of it and am pleased that you have

local financial firms involved but I simply want to state on the record that wherever the problem exists in the negotiations with the Pirates and this bond issue relates specifically to them, that must be resolved and I would like to see it resolved in 1993 and not left hanging for future administrations or future councils.

I'm speaking only for myself, Councilmembers may at this table have differing opinions from me but I believe that there is not enough commitment from both sides to resolve it and until there is we will continue to have a public discussion that goes on. Thank you.

(END OF COMMENTS)

PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

Also,

Bill No. 3041

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Church of Good Shepherd and the Shepherd Wellness Community, a non-profit organization, to provide bi-weekly dinners and other services for City residents."

Which was read.

Also,

Bill No. 3042

A Resolution entitled, "Resolution authorizing the Mayor and the Director of the Department of Finance to convey to West Penn Motor Club a parcel of property located at 313 Penn Circle South, designated as Lot and Block No. 84-F-88, to be purchased from the Pittsburgh Parking Authority, as part of the consideration for the purchase of a building and property owned by West Penn Motor Club."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 6

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 3044

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Helen Hull Consultant, 719 Singer Place, Pittsburgh, PA 15221, in the amount of \$600.00 in payment for professional consulting services rendered to Councilman Duane A. Darkins for the month of August, 1993." ---**(SPONSORED BY MR. DARKINS)**

Which was read.

Also,

Bill No. 3045

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Kenneth Owens El, 206 Robinson Street, Pittsburgh, PA 15213, in the amount of \$600.00 in payment for professional consulting services rendered to Councilman Duane A. Darkins for the month of August, 1993."

---**(SPONSORED BY MR. DARKINS)**

Which was read.

Also,

Bill No. 3046

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Mamie Eerie, 7117 Lemington Avenue, Pittsburgh, PA 15203, in the amount of \$200.00 in payment for professional consulting services rendered to

Councilman Duane A. Darkins for the month of August, 1993." ---**(SPONSORED BY MR. DARKINS)**

Which was read.

Also,

BillNo. 3047

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Arnita Long, 4734 Kinkaid Place, Pittsburgh, PA 15224, in the amount of \$721.00 in payment for professional services rendered to Councilman Jim Ferlo for the month of August, 1993."

---**(SPONSORED BY MR. FERLO)**

Which was read.

Also,

BillNo. 3048

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Craig Straw, 422 42nd Street, rear, Pittsburgh, PA 15201, in the amount of \$1,386.00 in payment for legal and legislative research, office coverage and constituent services on behalf of Councilman Jim Ferlo for the month of August, 1993."

---**(SPONSORED BY MR. FERLO)**

Which was read.

Also,

BillNo. 3058

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of the Nu-Image, Darrell Bell, owner, 5647 Rural Street, Pittsburgh, PA 15206 in the aggregate amount of \$14,495.00 in payment for landscape and grounds maintenance of various reservoirs

furnished for the benefit of the City and providing for the payment thereof."

Which was read.

Also,

BillNo. 3060

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Eric Rucker, 1919 N. Charles Street, Pittsburgh, PA 15212, in the amount of \$300.00 on behalf of Drums of West Africa, in payment for professional services rendered to the City of Pittsburgh."

---**(SPONSORED BY MR. FERLO)**

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 6

NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 3063

A Resolution entitled, "Resolution transferring the amount of \$1,000.00 from Code Account 1001-1 (100115), Miscellaneous Services, Supplies and Equipment, City Council (District 3) to Code Account 1103, (110304), Miscellaneous Services, Department of City Planning."

---(SPONSORED BY MR. RICCIARDI)

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 6 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3065

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Public Strategies, Inc., One Bigelow Square, Suite 616, Pittsburgh, PA 15219, in the amount of \$1,600.00 in payment for professional services rendered to Councilman Eugene Ricciardi for the

month of August, 1993."

---(SPONSORED BY MR. RICCIARDI)

Which was read.

Mr. Ricciardi:

I'd like to make a motion to recommit Bill No. 3065, a bill sponsored by myself paying a warrant to Public Strategies.

Mr. Smith seconded the motion.

WHICH MOTION PREVAILED.

Mr. Darkins presented

Bill No. 3087

Report of the Committee on Public Works for August 11, 1993 transmitting one ordinance and sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2762

A Resolution entitled, "Resolution authorizing the Mayor and the Director of the Department of Public Works to execute an Amendment Agreement with the Borough of Plum, the Plum Borough Municipal Sewer Authority and the Allegheny County Sanitary Authority consenting to the assignment of Sewage Service Amendment Agreement among the City, the Allegheny County Sanitary Authority and Plum Borough to the Plum Borough Municipal Sewer Authority."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 6 NOES none

And the majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2899

An Ordinance entitled, "An Ordinance amending and supplementing the Pittsburgh Code, Title Six - Conduct, Article I - Regulated Rights and Actions, Chapter 619 - Refuse Collection and Recycling, by deleting 'Department of Environmental Services' and inserting 'Department of Public Works' throughout Chapter 619 in its entirety and by supplementing Section 619.02, Municipal Waste to be Collected by City, by providing for refuse pickup after the Fourth of July holiday."

---(SPONSORED BY MR. WAGNER)
(AS AMENDED IN COMMITTEE)

Which was read.

Mr. Ferlo:

I would like to ask that Bill No. 2899 be

recommitted.

Mr. Smith seconded the motion.

WHICH MOTION PREVAILED.

Also,

Bill No. 2968

A Resolution entitled, "Resolution providing for an agreement between the City of Pittsburgh and the Borough of Ingram in connection with the paving of Ingram Avenue from City line to Linshaw Street and providing for the payment thereof by the Borough to the City of the Borough's share of the costs thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 6 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Ferlo presented

Bill No. 3088

Report of the Committee on Planning, Housing and Development for August 11, 1993 transmitting one ordinance and sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2970

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Save the Aviary, Inc., for handicapped accessibility improvements and related costs at the Aviary, at a cost not to exceed \$100,000.00."

Which was read.

Also,

Bill No. 2971

A Resolution entitled, "Resolution amending Resolution No. 228, effective March 19, 1993, as amended by Resolution No. 366, effective April 29, 1993 entitled 'Providing for the filing of a Community Development statement by the City of Pittsburgh with the U.S. Department of Housing and Urban Development for a grant in connection with the 1993 Community Development Block Grant Program' so as to decrease a line item in the Department of Engineering and Construction and add a line item in the Department of City Planning."

Which was read.

Also,

Bill No. 2972

A Resolution entitled, "Resolution providing for a Cooperation Agreement or Agreements with the Housing Authority of the City of Pittsburgh for the administration and implementation of the 'Community and Social Services Programs in Public Housing Communities' at a cost not to exceed \$100,000.00, chargeable to and payable from the 1991 CDBG Programs - Housing Authority, 'Community and Social Services Programs in Public Housing Communities' Project #4-65-01-0003-91-446-91-65, Index #604090."

Which was read.

Also,

Bill No. 2974

A Resolution entitled, "Resolution authorizing the Urban Redevelopment of Pittsburgh to submit an application for financial assistance in the amount of \$1,000,000 to the Commonwealth of Pennsylvania Department of Community Affairs for the Neighborhood Housing Program."

Which was read.

Also,

Bill No. 2975

A Resolution entitled, "Resolution authorizing a 1993-1994 Neighborhood Housing Program Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh providing for the designation of \$1,000,000 of Pittsburgh Home Ownership Program funds and borrowers' downpayments as the local matching share for a grant applied for in an application for financial assistance filed with the Pennsylvania Department of Community Affairs."

Which was read.

Also,

Bill No. 2976

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application for financial assistance in the amount of \$750,000 to the Commonwealth of Pennsylvania Department of Community Affairs for the Rental Housing Development and Improvement Program."

Which was read.

Also,

Bill No. 2977

A Resolution entitled, "Resolution authorizing a 1993-1994 Rental Housing Development and Improvement Program Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh providing for the designation of \$750,000 of CDBG Program funds, rental rehabilitation program funds, and developer private investment funds as the local matching share for a grant applied for in an application for financial assistance filed with the Pennsylvania Department of Community Affairs."

Which was read.

Also,

Bill No. 2978

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application for financial assistance in the amount of \$800,000 to the Commonwealth of Pennsylvania Department of Community Affairs for the Housing Recovery Program."

Which was read.

Also,

Bill No. 2979

A Resolution entitled, "Resolution authorizing a 1993-1994 Housing Recovery Program Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh providing for the designation of \$800,000 of housing revenue bond funds as the local matching share for a grant applied for in an application for financial assistance filed with the Pennsylvania Department of Community Affairs."

Which was read.

Also,

Bill No. 2980

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application for financial assistance in the amount of \$400,000 to the Commonwealth of Pennsylvania Department of Community Affairs for the Housing Site Acquisition and Development Fund Program."

Which was read.

Also,

Bill No. 2981

A Resolution entitled, "Resolution authorizing a 1993-1994 Housing Site Acquisition and Development Fund Program Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh providing for the designation of \$400,000 of CDBG Program funds and housing revenue bond funds as the

local matching share for a grant applied for in an application for financial assistance filed with the Pennsylvania Department of Community Affairs."

Which was read.

Also,

Bill No. 2982

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application for financial assistance in the amount of \$750,000 to the Commonwealth of Pennsylvania Department of Community Affairs for the Community Development Investment Fund Program."

Which was read.

Also,

Bill No. 2983

A Resolution entitled, "Resolution authorizing a 1993-1994 Community Development Investment Fund Program Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh providing for the designation of \$750,000 of CDBG Program funds and Pittsburgh Home Ownership Program funds as the local matching share for a grant applied for in an application for financial assistance filed with the Pennsylvania Department of Community Affairs."

Which was read.

Also,

Bill No. 2984

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of

Pittsburgh to submit an application for financial assistance in the amount of \$100,000 to the Commonwealth of Pennsylvania Department of Community Affairs for the Golden Triangle Management Program."

Which was read.

Also,

Bill No. 2985

A Resolution entitled, "Resolution authorizing a 1993-1994 Golden Triangle Management Program Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh providing for the designation of \$100,000 of authority, foundation, and other private contributions as the local matching share for a grant applied for in an application for financial assistance filed with the Pennsylvania Department of Community Affairs."

Which was read.

Also,

Bill No. 2986

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application for financial assistance in the amount of \$600,000 to the Commonwealth of Pennsylvania Department of Community Affairs for the Urban Development Fund Program."

Which was read.

Also,

Bill No. 2987

A Resolution entitled, "Resolution authorizing a 1993-1994 Urban Development Fund Program

Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh providing for the designation of \$600,000 of Community Development Block Grant Program funds, private financing, and foundation funds as the local matching share for a grant applied for in an application for financial assistance filed with the Pennsylvania Department of Community Affairs."

Which was read.

Also,

Bill No. 2988

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application for financial assistance in the amount of \$100,000 to the Commonwealth of Pennsylvania Department of Community Affairs for the Start-An-Enterprise Program."

Which was read.

Also,

Bill No. 2989

A Resolution entitled, "Resolution authorizing the 1993-1994 Start-An-Enterprise Program Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh providing for the designation of \$100,000 of authority funds and private contributions as the local matching share for a grant applied for in an application for financial assistance filed with the Pennsylvania Department of Community Affairs."

Which was read.

Also,

Bill No. 2990

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application for financial assistance in the amount of \$500,000 to the Commonwealth of Pennsylvania Department of Community Affairs for the Streetface Program."

Which was read.

Also,

Bill No. 2991

A Resolution entitled, "Resolution a 1993-1994 Streetface Program Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh providing for the designation of \$500,000 of program participant private investment funds and Urban Redevelopment Action Grant Repayment funds as the local matching share for a grant applied for in an application for financial assistance filed with the Pennsylvania Department of Community Affairs."

Which was read.

Also,

Bill No. 2992

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application for financial assistance in the amount of \$1,000,000 to the Commonwealth of Pennsylvania Department of Community Affairs for the California/Kirkbride Renewal Program."

Which was read.

Also,

Bill No. 2993

A Resolution entitled, "Resolution authorizing the 1993-1994 California/Kirkbride Renewal Program Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh in connection with an application for financial assistance filed with the Pennsylvania Department of Community Affairs."

Which was read.

Also,

Bill No. 2994

A Resolution entitled, "Resolution authorizing the filing of an application for financial assistance in the amount of \$1,000,000 with the Commonwealth of Pennsylvania Department of Community Affairs for the Western Restoration Project."

Which was read.

Also,

Bill No. 2995

A Resolution entitled, "Resolution authorizing the 1993-1994 Western Restoration Project Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh in connection with an application for financial assistance filed with the Pennsylvania Department of Community Affairs."

Which was read.

Also,

Bill No. 2996

A Resolution entitled, "Resolution authorizing the filing of an application for financial assistance

in the amount of \$1,000,000 with the Commonwealth of Pennsylvania Department of Community Affairs for the Special Needs Housing Program."

Which was read.

Also,

Bill No. 2997

A Resolution entitled, "Resolution authorizing the 1993-1994 Special Needs Housing Program Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh in connection with an application for financial assistance filed with Pennsylvania Department of Community Affairs."

Which was read.

Also,

Bill No. 2998

A Resolution entitled, "Resolution authorizing the filing of an application for financial assistance in the amount of \$1,000,000 with the Commonwealth of Pennsylvania Department of Community Affairs for the Crawford Square Project."

Which was read.

Also,

Bill No. 2999

A Resolution entitled, "Resolution authorizing a 1993-1994 Crawford Square Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh in connection with an application for financial assistance filed with the Pennsylvania Department of Community Affairs."

Which was read.

Also,

Bill No. 3000

A Resolution entitled, "Resolution authorizing the filing of an application for financial assistance in the amount of \$1,000,000 with the Commonwealth of Pennsylvania Department of Community Affairs for the Vacant Housing Redevelopment Program."

Which was read.

Also,

Bill No. 3001

A Resolution entitled, "Resolution authorizing a 1993-1994 Vacant Housing Redevelopment Program Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh in connection with an application for financial assistance filed with the Pennsylvania Department of Community Affairs."

Which was read.

Also,

Bill No. 3002

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application for to the Pennsylvania Department of Community Affairs for a grant of Strategy 21 funds in the amount of \$3,000,000 for the Federal North Project."

Which was read.

Also,

Bill No. 3003

A Resolution entitled, "Resolution authorizing a Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh providing for the designation of \$775,000 in CDBG funds in the Federal North Project as the local matching share for a grant applied for in an application for Strategy 21 funds filed with the Pennsylvania Department of Community Affairs."

Which was read.

Also,

Bill No. 3004

A Resolution entitled, "Resolution authorizing a Cooperation Agreement with the URA of Pittsburgh providing for the transfer to the City of Pittsburgh of an amount not to exceed \$50,000 to implement business festivals under the Community Festival Program."

Which was read.

Also,

Bill No. 3006

A Resolution entitled, "Resolution amending Resolution No. 1082, effective November 6, 1992, entitled 'Authorizing the Urban Redevelopment Authority of Pittsburgh to submit an application for financial assistance in the amount of \$300,000 to the Commonwealth of Pennsylvania Department of Community Affairs for the Neighborhood Housing Program,' by increasing the amount of the grant to \$600,000."

Which was read.

Also,

Bill No. 3007

A Resolution entitled, "Resolution amending Resolution No. 1083, effective November 6, 1992 entitled 'Authorizing a 1992-1993 Neighborhood Housing Program Cooperation Agreement with the URA of Pittsburgh providing for the designation of \$300,000 of Pittsburgh Home Ownership Program funds and borrower's downpayments as the local matching share for a grant applied for an application for financial assistance filed with the Pennsylvania Department of Community Affairs,' by increasing the local share to \$600,000."

Which was read.

Also,

Bill No. 3008

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the URA of Pittsburgh and Bernard A. and Janice Berman for the sale of Block 48S Lot 202 in the 6th Ward of the City of Pittsburgh (COMMERCIAL REHABILITATION)."

Which was read.

Also,

Bill No. 3009

A Resolution entitled, "Resolution authorizing the URA of Pittsburgh to acquire that property in the 6th Ward of the City of Pittsburgh owned by Charles and Jacqueline Schade, and designated as Block and Lot 25-M-26 in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3010

A Resolution entitled, "Resolution approving execution of a Contract for Disposition by sale of Land by and between the URA of Pittsburgh and Margaret Geyer for the sale of Block and Lot 25-M-26, in the 6th Ward of the City of Pittsburgh (SIDEYARD)."

Which was read.

Also,

Bill No. 3011

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the URA of Pittsburgh and Manchester Citizens Corporation for the sale of Parcels 60 and 122 in the 21st Ward of the City of Pittsburgh in Redevelopment Area No. 27 (RESIDENTIAL CONSTRUCTION)."

Which was read.

Also,

Bill No. 3012

A Resolution entitled, "Resolution authorizing the URA of Pittsburgh to acquire all of the City's right, title and interest, if any, in and to publicly-owned property located in the City of Pittsburgh."

Which was read.

Also,

Bill No. 3013

A Resolution entitled, "Resolution authorizing the URA of Pittsburgh to acquire all of the City's right, title and interest, if any, in and to the publicly-owned property listed in Section 1 hereof, such property being located in the 3rd, 8th, 13th, 15th, 21st, 23rd and 25th Wards of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3015

A Resolution entitled, "Resolution approving execution of a Contract for Disposition by sale of Land by and between the URA of Pittsburgh and Louis S. Guerner and Marie O. Guerner for the sale of Block 23-K Lot 380, in the 22nd Ward of the City of Pittsburgh (SIDEYARD)."

Which was read.

Also,

Bill No. 2820

A Resolution entitled, "Resolution authorizing and directing the Director of the Housing Authority of the City of Pittsburgh to submit to City Council no later than November 1, 1993 a Board approved plan outlining proposed use of the 1994 CDBG funding which shall include, but not be limited to, community policing restoring, up-grading or constructing new community based recreation facilities in larger public housing communities, and initiation of new programs targeting youth residing in HACP communities." ---**(SPONSORED BY MR. FERLO)**
(AS AMENDED IN COMMITTEE)

Which was read.

Also,

Bill No. 2765

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article III, Chapter 921, Section 921.02, Zoning District Map No. 7, by changing from 'R3' Multiple-Family Residence District and 'M3' Light Industrial District to 'A1' Commercial-Residential Associated District all that certain property bounded by: Wabash Street; Greentree Road; McKnight Street; Lot 101, Block 19-S in the Allegheny County Block & Lot System; Woodville Avenue; Greentree Road; Lot 160, Block 19-S; Lot 207, Block 19-S; and Lot 53, Block 19-S, all in the aforementioned System; an unnamed way running north and south between Lot 53 and McCartney Street; and McCartney Street; 20th Ward."

Which was read.

Also,

Bill No. 3050

A Resolution entitled, "Resolution approving a Conditional Use Exception under Section 993.01(a)A(7) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993, to the Port Authority of Allegheny County for authorization to construct a 279 sq. ft., one-story extension to the west side of the existing Monongahela Incline building, with other renovations, located at 8 Grandview Avenue on property zoned 'S' Special District, 19th Ward."

Which was read.

Also,

Bill No. 3051

A Resolution entitled, "Resolution approving a Conditional Use Exception under Section 993.01(a)A(9) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993, to Duquesne University for authorization to construct a five-level, 200-space parking garage extension; a 55,000 sq. ft., four-level Science Center building; a 12,800 sq. ft. one-floor addition to the Rangos School of Health Sciences; a 5,000 sq. ft. addition to the top floor of the Utilities Building, and four entrance arches at major portals to the University campus located at 600 Forbes Avenue, on property zoned 'I-C' Institutional-Civic District, 1st Ward."

Which was read.

Also,

Bill No. 3052

A Resolution entitled, "Resolution Repealing Resolution No. 491, approved May 7, 1992, entitled: 'Providing for an Agreement or Agreements with the 9th Ward Youth Association for minor rehabilitation, operating or administrative expenses, at a cost not to exceed \$7,000.00.'" --- (SPONSORED BY MR. FERLO)

Which was read.

Also,

Bill No. 3064

A Resolution entitled, "Resolution providing for an Agreement or Agreements with the South Side Children's Advisory Council, for the benefit of the residents of the City of Pittsburgh, at a cost not to exceed \$1,000.00, chargeable to and payable from Code Account 1103 (110304), Miscellaneous Services, - Department of City

Planning." --- (SPONSORED BY MR. RICCIARDI)

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 6

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Smith presented

Bill No. 3089

Report of the Committee on General Services for August 11, 1993 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2947

A Resolution entitled, "Resolution providing for the letting of a contract or contracts and the use of existing contracts for the purchasing of materials,

general supplies and equipment by various departments of the City of Pittsburgh, during the calendar year 1994, and providing for the payment of the costs thereof."

Which was read.

Also,

Bill No. 2948

A Resolution entitled, "Resolution providing for the letting, during the calendar year 1994, of contracts and for the use of existing contracts, for the maintenance, rental, rehabilitation, renovation, inspection or servicing of personal property, and also for bonding, insurance, printing and other related services, and for the maintenance and repair of buildings, structures or any other properties in the custody of the various departments of the City of Pittsburgh, and for the miscellaneous services in and for any or all departments of the City of Pittsburgh, and providing for the payment of the costs thereof."

Which was read.

Mr. Smith:

Mr. President, on Bill 2947 and 2948, we had a long discussion at the table. This is permission to enter into close to \$50 million worth of contracts.

I would trust that the Administration and those who actually let these contracts will address the issues that I brought up of women-owned businesses having an opportunity to bid, being informed that these are now available. That minority firms would also be given the same opportunities to bid.

I would like my comments from the Committee Session to be brought forward in the record and I am going to vote affirmatively on

these two bills with the faith that the employees of the City of Pittsburgh will follow the will and mandate of the Mayor's Office and the wishes of the citizens to open up the doors and to encourage and foster participation and \$50 million worth of contracts.

Therefore, I will not oppose either of these bills believing that we will address in an appropriate manner the issue of contracts and contract letting to best service the interest of the general public.

(REMARKS ON FOLLOWING PAGES)

(BEGINNING - MR. SMITH'S COMMENTS ON BILLS NO. 2947 AND 2948,
WEDNESDAY, AUGUST 11, 1993)

Mr. Smith:

Unfortunately you weren't here the other day and your staff supplied for me all of the information that had been requested about the MBE/WBE participation and I still have a couple of questions that maybe you can help me with. The waivers that are granted, does that process and procedure come through your office?

Bro. Emenecker:

For contracts over \$75,000.00 it comes from Jeff Thomas' office.

Mr. Smith:

I'm presuming that a portion of these are over \$10,000.00 but I'm presuming under \$75,000.00. Have you tracked the percentage of waivers that are granted under the contracts that you monitor?

Bro. Emenecker:

We have that figure. I don't have it off the top of my head but I can get you that figure. Yes, we would do that.

Mr. Smith:

We were very shocked at the small percentage of MBE/WBE participation, the construction contracts were of course well within the goals and guidelines but we were shocked at the other numbers that were presented in the package and stated at the table. Can you tell me what has been done recently or what will be done differently in this packet that will attempt to address and bring the numbers onto the board for participation MBE/WBE?

Bro. Emenecker:

First let me state that I share your concern on the numbers and the percentage. As you know it's a five-year goal but at the rate we're going we're not going to meet the goal in five years. Unfortunately we don't have a very good solution to achieving that goal at this time. I'm totally open to ideas that would assist us in trying to achieve that goal. We have a two-pronged approach in the sense of Jeff Thomas' office of MBE/WBE is working on it and General Services is working on it but we are not in a position to start businesses, we are not in a position to -- we have reduced bonding in many cases --

. Smith:

-- when did you reduce the bonding?

Bro. Emenecker:

In many cases we have reduced the amount of a contract here you need a bond. We have raised it if you will so that contracts with lower amounts you don't have to have a bond so that we have taken those types of steps.

We have clarified through the MBE/WBE Mayor's Executive Order directives that go out with the contracts, we have revised all of those, we have revised the forms, we believe that we have made it clearer as to the goals that we are looking for in terms of a good faith effort and the steps necessary for the contractors to take.

In taking over General Services a year ago it was one of my goals to make sure that we improve the situation but we didn't move -- we moved but we haven't accomplished the goal as quickly as I thought we were going to. It appears to be a tough nut to crack in terms of increasing minority business with the City. As you know, we had a court case called into question our whole MBE/WBE program so we went back to the drawing board and worked with Jeff's office and also with the Law Department to come up with revised guidelines. We expect that these guidelines will help us achieve that goal more directly but I don't have an ultimate solution for it and if you have specific examples of things that we can do I welcome the opportunity to explore those.

Mr. Smith:

First of all let me ask you this question. Do we track the areas where we grant waivers because someone has told us they can't find participation?

Bro. Emenecker:

Yes, we track those to the best of our ability and knowledge and experience of our buyers and that's why they concentrate on given areas for a period of time. They're able to develop that expertise to be able to determine to know when a vendor or a contractor says to us there's nobody that provides that service then we check that out based on our experience, based on a review of the literature and based on experiences of other cities so we track it in that sense. If I can add, tracking it just confirms that the answer is no or the answer is yes.

Mr. Smith:

Tracking it would give you the opportunity to say here are the areas to which there is a weakness and then begin to say is our scope large enough with Allegheny County? Have we tried other things? Have we looked -- I'm saying what is the tool because I want to work with you and with certain information it would direct us as to where to look to resolve some of these problems.

On Wednesday I ran quickly through what I perceive as a series of large dollar amounts that we're expending that have -- because we permit you to go out and do this via a telephone, solicitation or a letter bid once the contracts are in place,

Mr. Malesky:

They are all advertised.

Mr. Smith:

I'm talking about if we say what is your price per square foot of concrete, we don't say we want \$5 million worth of concrete today. We want to be able to call you during the course of the year and have you pour concrete, right?

Bro. Emenecker:

That's correct.

Mr. Smith:

One of the questions that I had brought up was when we ask for bid bonding, when we ask for performance, when these people begin to do work for us do we reduce that? I'm wondering if that's one portion that may encourage some businesses as they receive some backs a portion of the money that they have expended that allows them to work? One of the problems I know the City of Pittsburgh faces is we do not pay interest for bills not paid within 30 days and I don't think we paid for anything in our history within 30 days. And I'm worried that this may be a contributing cause of why you cannot get MBE/WBE participation because people who have small businesses cannot go 90 days or 6 months without payment and so they do not participate in our system knowing or having had a bad experience but I don't want to give you the scape of that particular information around the city. I want to work with you in order in the future to change the perception of the City, not change the world but change the perception of doing business with the City. Unfortunately I have heard that many people feel that access is not as great now as it had been in the past and I think that access is probably the ability to discuss things with people. I don't know and this is not the place to discuss it but I would like to sit down

with yourself in the future and attempt to address some of these concerns. We do quite a bit of business in the city, 25 percent of the population is of a minority and then 52 percent of the population in the City of Pittsburgh are females and when added together it is somewhere around 70 percent of the population is asking for participation of 25 percent. So I think that we need to make an honest concerted effort of saying to the vendors out of our office that we are serious, that we will -- how many waivers do we reject? I mean there's all of these questions of, do all you have to do is ask for because I will be honest with you, professional service waivers in 1991, the total contracted amount was \$3.2 million and from my numbers that I have here we basically gave one heckuva waiver on those contracts, so I think that a lot of it has to do with us and how we present things and that is what I would like to work with you on. Not that your system is inadequate, everybody can always use some fine tuning but I think it's the presentation of our policies that probably does not emphasize to the vendors that we deal with that we are serious and we have a serious intent.

(AT THIS POINT, I WAS TEMPORARILY RELIEVED BY HELEN L. KRIEBEL)

(CONTINUED ON NEXT PAGE WITH NO LOSS OF CONTEXT)

MARY ANNE HRUSKA
STENOTYPE REPORTER

(CONTINUED REMARKS ON BILLS NO. 2947 & 2948)

Mr. Smith:

I am sure that many vendors, if they knew we were serious, would probably go out and do joint deals or provide some ancillary service as a part of their contract that would include women owned businesses.

I am just trying to come up with alternatives, Brother Richard, because I am about to say yes to some \$50 million worth of contracts.

Michelle Madoff:

I am going to say no.

Mr. Smith:

Well, I understand why they need to be in place in order to make the city operate, but I also understand that we have got to make sure that in this round of \$50 million, every person who bids knows that we are absolutely serious and that if they cannot bring in a joint, if there is not a minority nearby, that they show some effort at working with women and minorities in these businesses and contracts that we are going to let. We need to really impress that upon them.

It is really terrible that we are at the 4 percent level now. I believe that is --

Michelle Madoff:

More like 1.

Mr. Smith:

No, I can actually flip through everything if somebody wants me to. Construction we have no problem, but -- here we go, Service Contracts. For 1992 was 4 percent MBE and 3.7 for WBE. That is an improvement over the past, but it still hasn't moved along well enough.

I am just saying right now in front of all of my colleagues that I do not believe it would be appropriate to block the city from getting its contracts in place, but I will be one irate, evil, upset individual if I do not see some concerted effort in this \$50 million block that there is a change for the better of participation or alternative participation or joint ventures and deals that appear to be too large for some minorities.

We are not here to be morally conscious. These people can make money if they do what we want, and that is the bottom line, is we are trying to save money, but we are spending somebody else's. They can make money, we just need that one moment's encouragement. We are not going to deal with you unless we see

an honest, good faith effort. That is your policy and your ability to impress upon the people who deal with these contracts.

Brother Emenecker:

If I might respond to a few of the items you brought up. Concerning the bond and reducing the bond on a sliding scale, I listened to the audio tape of last week's meeting, so I heard your comment at that time. I think it is a good idea and we are going to pursue to see if that is possible.

Mr. Smith:

I think it would encourage some people who put up a lot of money if they know they are going to get it back as the contract is let.

Brother Emenecker:

Paying the bills on time is an ongoing problem, we have worked on that with the explanatory process. Then after the explanatory process, it still is a very complicated process, but we are going to continue to work on that one.

As far as access to General Services, I believe that access is there. I get involved when it is necessary, but on a day-to-day basis as far as purchasing division, most of the contractors know the system, and Jeff and his operation have been very open and meeting with contractors on a regular basis. If there is need for me to get involved in that and if you know specific cases, please let me know and I am more than willing to be on that. If there is not a problem and if it can be handled as a routine matter, I would prefer that Purchasing handle that as a routine matter. But it is fine with me to meet whenever necessary.

As far as rejecting waivers, you are correct; we reject very few waivers, but they are checked out. So we believe that when we reject a waiver, that we are doing it on solid grounds, but we reject very few.

Fine tuning of the system, absolutely, we want to continue to improve and fine tune it.

I think that Council voting from the national politicians at times where they say the President's office is a bully pulpit, I think at times Council, just by the exposure of the issue, can have a tremendous impact on the contracting and the service community over here, that you have access to means of a communication that we do not. Hopefully, you take advantage of that to impress on the contractors that you want us to do business with minority and WBE firms.

Finally, as far as the new MBE guidelines, WBE guidelines, I believe we have sharpened that for a lot of work on the part of General Services and the Law Department, and we are

publicizing that as much as possible so the contractors know we are serious about it. In other words, when the court gave us the challenge, we responded to the challenge and sharpened it before we lost it.

(END OR REMARKS.)

Transcribed by: Helen L. Kriebel
Stenotype Reporter

Mr. Darkins:

I want to join Councilman Smith on that.

As you know, Mr. President, from the inception when the Mayor's Executive Order came down, we were pulling for this and hoping that it would happen. It has happened.

I'm so glad that Mr. Smith is here and if we can both be together, watchdogs over this particular biddings of contracts. Thank you.

The Chair:

Is there any further discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken, agreeably to law, and were:

Ayes:

Mr. Darkins	Mr. Smith
Mr. Ferlo	Mr. Wagner
Mr. O'Connor	(Pres't)

AYES 5 NOES 1

(MR. RICCIARDI VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3043

A Resolution entitled, "Resolution authorizing the Mayor and the Director of the Department of General Services to enter into a short-term lease, license or other agreements with West Penn

Motor Club in connection with the property located at 202 Penn Circle West and adjacent parking lot, in order to prepare or occupy the property prior to closing and ratifying any previously executed agreements for this purpose."

Which was read.

Also,

Bill No. 3053

A Resolution entitled, "Resolution providing for the letting of a contract or contracts or use of existing contracts for the furnishing and delivery of modular furniture for the Department of City Planning and providing for the payment thereof."

Which was read.

Also,

Bill No. 3061

A Resolution entitled, "Resolution providing for a Contract or Contracts or the use of existing Contract or Contracts to purchase Lifepak 10 Defibrillator/Monitors for the Bureau of Emergency Medical Services and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Darkins Mr. Ricciardi
Mr. Ferlo Mr. Smith
Mr. O'Connor Mr. Wagner
 (Pres't)

AYES 6 NOES none

And a majority of the votes of Council
being in the affirmative, the bills passed finally.

Mr. O'Connor presented

Bill No. 3090

Report of the Committee on Parks and Recreation
for August 11, 1993 transmitting sundry
resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2892

A Resolution entitled, "Resolution Repealing
Resolution No. 987, approved November 30,
1987, entitled, 'Resolution establishing a
schedule of fees and charges in connection with
the Department of Parks and Recreation.'
---(SPONSORED BY MR. FERLO)
(AS AMENDED IN COMMITTEE)

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass
finally?"

The ayes and noes were taken agreeably

to law, and were:

Ayes:

Mr. Darkins Mr. Smith
Mr. Ferlo Mr. Wagner
Mr. Ricciardi (Pres't)

AYES 5 NOES none

(MR. O'CONNOR ABSTAINING)

And a majority of the votes of Council
being in the affirmative, the bills passed finally.

Also,

Bill No. 3054

A Resolution entitled, "Resolution providing for
an Agreement or Agreements with the 9th Ward
Youth Association for minor rehabilitation,
operating or administrative expenses, at a cost
not to exceed \$7,000.00, chargeable to and
payable from Code Account 1838 (183806),
Miscellaneous Services, Department of Parks
and Recreation." --- (SPONSORED BY MR.
FERLO)

Which was read.

Also,

Bill No. 3059

A Resolution entitled, "Resolution providing for
the waiving of the residency requirement for
qualified lifeguards at City pools." (AS
AMENDED IN COMMITTEE)

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 6 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Ricciardi presented

Bill No. 3091

Report of the Committee on Engineering and Construction for August 11, 1993 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3017

A Resolution entitled, "Resolution providing for a Cooperation Agreement or Agreements with the Urban Redevelopment Authority for engineering design fees, minor land acquisition, URA Administrative fees, Construction and Construction Inspection of Station Square Road; and provide for the payment of the costs thereof."

Which was read.

Also,

Bill No. 3018

A Resolution entitled, "Resolution providing for an Agreement or Agreements, or use of existing Agreements and/or a Contract or Contracts, or use of existing Contracts, for the construction and related construction management and design services of Phase I - Courts Facility of the Public Safety Complex; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3019

A Resolution entitled, "Resolution providing authorization to enter into a Project Stabilization Agreement with the Building and Construction Trades Council, AFL-CIO and Signatory Local Unions for Phase I-Courts Facility of the Public Safety Complex to promote efficiency of construction operation and to provide for peaceful settlement of labor disputes and grievances without strikes and lock-outs."

Which was read.

The Chair:

I'd like my remarks brought forward on Bills 3017, 3018 and 3019.

(REMARKS ON FOLLOWING PAGES)

(BEGINNING - MR. WAGNER'S COMMENTS ON BILLS NO. 3017 AND
3023, WEDNESDAY, AUGUST 11, 1993)

The Chair:

Director, could you briefly state when this will be
completed by?

Dir. Sciulli:

The information that I have is that we will have a
September bid and it should be opened in early 1994 because
obviously it needs to be coordinated with the closing of the
Smithfield Street Bridge so we're talking about a September bid
completion early in 1994.

Mr. Smith:

Because I was not here I guess when this hit, this is an
alternate access road for Station Square?

Dir. Sciulli:

No, this is a widening of Carson Street and the creation of
a left-hand turn lane into the Station Square development that
will be a part of the expansion of the development of Station
Square, so the City is widening Carson Street and then having
four through lanes and one left-hand turn lane and a traffic
signal and then the transition period will be picked up later.

Mr. Smith:

Because I'm behind everyone, could you help me walk through
this visually? Where are we going to widen this? I am familiar
with the buildings, the hillsides, the garage entrances, the
incline.

Dir. Sciulli:

Basically between Gateway View Plaza and the Smithfield
Street Bridge, general area.

Mr. Smith:

There's presently buildings along there, are we acquiring
those too?

Dir. Sciulli:

Yes, through the right-of-way. The project is being
managed by the URA and we're assisting them. You're right,
there are buildings there that need to be acquired.

Mr. Smith:

It's going to be a costly thing down the line. Next question which I don't believe you could answer for me which is a URA question but I will leave this alone and defer to my colleagues.

The Chair:

Director if I may and maybe I'm -- I'm under the impression these dollars are for the intersection for the road and the road itself; is that accurate?

Dir. Sciulli:

This is the first part of this is the widening of Carson Street and then to get into the development we need to have a left-hand storage lane that will not impact traffic, we need to have a signal there and then there will be a transitional area inside the development. From that point then there will be an access road within the development that will be essentially financed by the tiff as I understand it.

The Chair:

This area is precisely between the Duquesne Incline and the Gateway View Plaza.

Dir. Sciulli:

Yes.

The Chair:

And all of that will be completed prior to the shut down of the Smithfield Street Bridge.

Dir. Sciulli:

Right, because once we do that, there is an existing road there that will be used as a by-pass during the shut down of the bridge.

The Chair:

Within their property.

Dir. Sciulli:

Yes.

Mr. Ferlo:

I support this because I think it's going to help safety let alone development but again I point out to this Council especially for newer members, I resent the fact that the Administration allocates dollars for this but at the same time we refuse to allocate dollars at a failed intersection at 11th and Smallman or 14th and Smallman in relation to the Down By The Riverside development site.

Dir. Sciulli:

I think that is an entirely different issue.

Mr. Ferlo:

Both are failed intersections. You're doing this not only in terms of development but you're making the roadway along the Carson Corridor more safe and appropriate for the size of that development, for the size of the activity.

Dir. Sciulli:

I will be happy to fill you in on the other issue privately if you want.

Mr. Ferlo:

There is nothing private. That intersection -- it's off the subject but again I don't think we have equal treatment in terms of development projects in this city, I don't think we have equal treatment in terms of failed intersections but I do support this.

Mr. O'Connor:

While we're on the same subject, if we're spending all the money on Carson, we had so many discussions about who was going to pay for the road going inside, the lights and all that. We're doing all this but whatever happened to the inside?

Dir. Sciulli:

That's the next part of this.

Mr. O'Connor:

How much money was supposed to go in for that road? We put up \$125,000.00 for the study so what's the access road going to cost?

Dir. Sciulli:

I don't have the figures in front of me. It's basically being managed by the URA but that portion of the work would be part of the tiff.

Mr. O'Connor:

I hate to spend all this money and we don't do the other part.

Dir. Sciulli:

They go hand-in-hand. First of all we have to create the transition from Carson Street to that access road that's within the development which doesn't exist. The left-hand turn lane doesn't exist, the signal doesn't exist and they are all necessary to get people who are coming from the West End and going over the bridge and using the West End Bridge as a detour and you have to keep in mind too that the South 10th Street Bridge is going to be under construction so there's very, very limited access from that point so we're basically creating this project so that it can be used.

Mr. O'Connor:

Are we paying for all that or is the School Board and the County sharing it?

Dir. Sciulli:

What you're seeing here is city dollars.

Mr. O'Connor:

That supposed to be the plum here all this added tax revenue for the County and the School Board.

Dir. Sciulli:

That was the access road within the development which eventually will be accepted by the City and will be built to city standards.

Mr. O'Connor:

I realize that but we are asking them to pitch in for that road why not this?

Dir. Sciulli:

I'm not familiar with what negotiations went on. I know that we're working with the URA to make sure that this

particular portion works especially during the mitigation measures that are going to happen between Smithfield and the Fort Pitt Bridge.

Mr. O'Connor:

That's one issue and the other issue is expanding Station Square and all these tax dollars are coming in and it's going to help the County and the School Board and yet we haven't been able to get them to --

Dir. Sciulli:

-- I think we will.

Mr. O'Connor:

Why don't we ask them for this part of the pie too?

Dir. Sciulli:

That wasn't part of the settlement.

Mr. O'Connor:

Doesn't it make sense to ask?

Dir. Sciulli:

I can find out for you.

Mr. O'Connor:

Do you have to pass this right away?

Dir. Sciulli:

I'd like to because right now as I mentioned we have a September bid and by the time Council comes back that's going to push it back and we want to have this construction complete before the Smithfield Street Bridge goes down.

Mr. O'Connor:

I don't feel comfortable with the City paying for all of it if we don't have to.

Dir. Sciulli:

I can find out and maybe get you an answer before Monday.

Mr. O'Connor:

If you could talk to Birru and maybe get back to us if it's a possibility. I certainly don't want to stop the project but why should we be paying for everything?

Mr. Smith:

We're going to then pay in a Phase II where I will guarantee you a failed attempt and that we will be back spending how much more?

Dir. Sciulli:

It's unfortunate that Mr. Birru isn't here but basically it's a URA negotiated type of thing but we're talking about a tax increment financing that the three taxing bodies will participate in. Now whether it comes off or not, I think the Administration has made a firm commitment that they will not participate without having all three bodies but this \$700,000.00 is more than just for Station Square. You can go down to Carson Street now and know that there are going to be a lot of residents in the City of Pittsburgh who are going to be affected by the closing of the Smithfield Street Bridge and there will have to be a by-pass. Right now two days ago the 10th Street Bridge is under construction so it will be used as part of the mitigation measures while these bridges are down.

Mr. Smith:

This by-pass --

Dir. Sciulli:

-- there is an existing road there.

Mr. Smith:

Where?

Dir. Sciulli:

Within the Station Square development that was made several years ago.

Mr. Smith:

What does that by-pass have to do with this \$700,000.00?

Dir. Sciulli:

Two of them are happening side-by-side. You have bridges that are being closed by the same token you have the City trying to assist the developer in the expansion of Station Square.

The Chair:

This creates access to the road.

Dir. Sciulli:

I think this Council had in previous times had cajoled the Administration to do as much as they could to get this road going and now that we have it here I'm not sure I understand what the line of questioning is.

Mr. Smith:

Because I wasn't here, I'm separate from from whoever else was here that went along with it.

Please help me before I make up my mind. Are we widening Carson Street or are we doing something inside the Station Square site with this \$700,000.00?

Dir. Sciulli:

We are widening Carson Street, we are putting a new signal in, we are putting a left-hand storage lane and the left-hand lane immediately into the property there's a transition area, a grey area between the development and the right-of-way of the City. From that point on then the project is a go or a no-go based on the tiff.

Mr. Smith:

Let's walk down the street together.

The Chair:

This is basically as far as I understand a new intersection on West Carson Street between the base of Duquesne Incline and the Gateway View Plaza Building creating a light, an intersection in the beginning of an access road into Station Square.

Dir. Sciulli:

That's my understanding of it.

Mr. Ricciardi:

So when the Smithfield Street Bridge closes all the city residents and the suburbanites visiting can now have access to our central business district and to the Northside cutting through. Without that I'm not sure what would happen, people would have to go along Carson Street, past up Smithfield Street, keeping in mind that 10th Street only has two lanes now and not four lanes. It's going to be like that for the coming year and that would push them down to the Brady Street Bridge up Kirkpatrick down Centre Avenue into the Central Business District, there's no other way to go and I think this is a much needed project allowing not only the resident the access during these details but for the future project when we support the Station Square Project in terms of the upgrading their access road.

The Chair:

All those in favor? Opposed? The ayes have it.

(END OF COMMENTS)

PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

(MR. WAGNER'S COMMENTS ON BILLS. NO. 3018 & 3019)
(Wednesday, August 11, 1993)

Mr. Wagner:

Director, in regard to a road, is there a right of way being maintained as part of this project for potential future mass transit access between the Downtown and Oakland along the B&O corridor?

Mr. Sciulli:

Yes. We have basically a -- not a formal agreement, but sort of a handshake agreement with PennDOT on this. As you may recall, Councilman, we spent two weeks at PennDOT figuring out how we could have sort of an intermodal transportation network that could tie Oakland in to the intermodal garage directly. As you know, as you are coming down the Parkway traveling towards town, the Grant Street exit is a left-hand turn; that is substandard by Federal Highway Standards, and we have provisions to move essentially that lane over to allow an HOV lane and a bike lane and other intermodal transportation directly into the garage when that becomes eligible for federal funds. So the answer to the question is yes.

Mr. Wagner:

But just not that, what I am concerned about is that there really is a right of way to correct the problem over the long term, that we do not have mass transit connecting Oakland with the Downtown.

Mr. Sciulli:

I think City Planning could answer that more accurately, than I can. But obviously the right-of-way for the spine line which comes directly down --

Mr. Wagner:

Could be a busway, could be spine line, could be maglev, whatever.

Mr. Sciulli:

I think those options are open, but certainly City Planning could answer that.

Mr. Wagner:

I want to make sure. If City Planning could let us know that prior to Monday. That is very important in the final

design of this project. That was mentioned a couple years ago when we talked about this, but I simply want to make sure that it exists not only through the city project, but also through the county project.

Transcribed by: Helen L. Kriebel
Stenotype Reporter

(cont'd)

The Chair:

I also want to compliment you for coming in with the project stabilization agreement. To my knowledge it's the first time that we've done this and it has worked extremely well with Allegheny County most recently with the County Airport and several other projects but in each and every project they come in on time without delays below budget and it does send a very positive message and there is quality work involved so I want to compliment you and the Administration and everyone including the Building Trades Council and others that have been involved to make it happen.

Mr. Ricciardi:

One last question. Director, can we have your commitment here today not to erect any future \$7,000.00 signs on-site.

Dir. Sciulli:

Yes, you have my firm commitment.

The Chair:

All those in favor of the three bills up for discussion signify by saying aye? Opposed? The ayes have it.

(END OF COMMENTS)

PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

Also,

Bill No. 3020

A Resolution entitled, "Resolution providing for a Contract or Contracts, or use of existing Contracts, and providing for the purchase of materials in connection with the Schenley Park Repairs; and providing for the payment of the costs thereof."

Which was read.

Also,

Bill No. 3021

A Resolution entitled, "Resolution providing for a Contract or Contracts, or use of existing Contracts, for the Rehabilitation of the Greenfield Bridge; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3022

A Resolution entitled, "Resolution providing for a Contract or Contracts, or use of existing Contracts, for services in connection with the Bridge and Structure Inspection Program; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3023

A Resolution entitled, "Resolution further amending Resolution No. 1348, effective January 1, 1993, entitled 'Adopting and Approving the 1993 Capital Budget and the 1993

CDBG Program; and approving the 1993 through 1998 Capital Improvement Program,' by creating a new line item, EC 93-27, (Station Square Road)."

Which was read.

Also,

Bill No. 3024

A Resolution entitled, "Resolution further amending Resolution No. 1348, effective January 1, 1993, entitled 'Adopting and Approving the 1993 Capital Budget and the 1993 CDBG Program; and approving the 1993 through 1998 Capital Improvement Program,' by increasing EC 93-525 (Public Safety Complex) by \$8,000,000.00 from \$4,000,000.00 to \$12,000,000.00."

Which was read.

Also,

Bill No. 3025

A Resolution entitled, "Resolution adopting Official Sewage Facilities Plan for Taco Bell Restaurant."

Which was read.

Also,

Bill No. 3057

A Resolution entitled, "Resolution authorizing and directing the Director of the Department of Engineering and Construction to undertake an infrastructure analysis of the East Carnegie community in the 28th Ward."
--(SPONSORED BY MICHELLE MADOFF)

Which was read.

Also,

Bill No. 3066

A Resolution entitled, "Resolution amending Resolution No. 247, effective March 22, 1991, entitled 'Providing for an Agreement or Agreements, or use of existing Agreement, and/or a Contract or Contracts, or use of existing Contracts, for New Construction Design and Land Acquisition; and providing for the payment of the cost thereof,' by amending the title to include Property Acquisition and by increasing the total project allocation by \$800,000.00 from \$200,000.00 to \$1,000,000.00."

Which was read.

Also,

Bill No. 3067

A Resolution entitled, "Resolution further amending Resolution No. 1348, effective January 1, 1993, entitled 'Adopting and Approving the 1993 Capital Budget and the 1993 CDBG Program; and approving the 1993 through 1998 Capital Improvement Program,' by providing 1993 funding for EC 93-504, and by amending the title to include 'and/or Property Acquisition'."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Darkins
Mr. Ferlo
Mr. O'Connor

Mr. Ricciardi
Mr. Smith
Mr. Wagner
(Pres't)

AYES 6

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

Mr. Ferlo:

Two housekeeping items, Mr. President. I was wondering if the President could please set the hearing dates for the Housing Meeting that we talked about prior to the recess. Some of us are anxious to communicate to community groups. Also, you had mentioned a number of real estate folks you'd like to invite. So, if we could please set that before the recess so we'd have a general idea.

Also, we had been in receipt of a petition and we agreed to a televised public hearing on the reservoir issue in terms of its covering, and I was wondering if you could please set that at some point, whenever it be held, so at least we'll know the date in advance.

The Chair:

Absolutely.

Mr. Smith:

Just a quick issue and I'm hoping that I can work with the Administration.

There has been a series of complaints in

terms of personnel and we appear to have what could possibly blow out of proportion and become a racial issue. We must encourage the Administration and those who operate and are supervisory personnel within the City to resolve issues and problems between our employees before they escalate.

I am in receipt of a report of a number of issues. I do not want this to become a legal issue. I want us all to work together to resolve personality clashes so that they do not escalate into racial incidents.

I do not want to name the department in which this is occurring. I'm sure the Administration is well aware of it. There have been legal affidavits that have presently filed last week.

I think that we need to resolve this problem instead of airing our laundry through a courtroom and I am encouraging the Administration, the unions and the City employees, along with supervisory personnel, to address this issue. We are here to serve the general public. We are here to do a good job and a polite job.

If there is not a resolution during recess, I will raise this issue with names, with departments, at this Council so that we can all address the issue if need be. But I think that we are permitting something to fester without a resolution. I'm hoping that this moment will be the catalyst to get everyone to resolve a problem that exists in one of our larger departments.

I have presently entered the discussions with individuals. I will share with my colleagues in a private moment what the problem appears to be and I hope that in September you will never hear of this issue again because during our recess it has been resolved.

The Chair:

Thank you.

Mr. Ferlo:

Back to my issue on the housing where we agreed to have this so-called summit meeting. I wanted to point out to Council and I have a question to the President and to the Clerk and to our budget staff. We agreed that part of the reason we wanted to have this summit is to look towards the management of the Housing stock, we want to look at other options. We still have unresolved a letter to be sent out.

I think we need to agree on that letter. I think Mr. Smith is drafting a version of that letter.

Secondly, my understanding is that the Finance Department Director has posted a new full-time position as someone to be a manager of this property, and it's going to be a Civil Service protected position. It's a new position and I'm confused as to how, in the middle of the year, somebody in the Administration can create a new budgeted position which I've never seen done before.

That job, in fact, is posted at Personnel and Civil Service Commission. I think the intent is to take an individual who so far has been in an as-needed position who we know has come to the table many times in the past, and give that person the salary increase and a full-time status under a new job title.

I'm questioning and I'd like to direct the question to the President if we could get a response from the Finance staff on how that is legally possible.

Secondly, I would ask that Council join me in asking the Administration not to create any new job positions relative to the management of

this housing and properties until after we have this Housing meeting and we talk about what it is that we want to do.

So, I'm questioning the validity of being able to create a new job position within the budget year, and also I'm questioning the wisdom of the Administration doing this right at the time we're supposed to be talking about other ways to manage our properties.

The Chair:

Mr. Perry, if you could please investigate whether or not Director Hayllar, and if it is not a budgetary item, there is not a job listed in the budget based on the title of that position, Council should take some action. The last time I can recall that that has happened was when we had a previous Public Safety Director, Mr. Norton, who repeatedly did that. I felt at the time that it was not appropriate and I still feel that way today. If there is not a position listed in the budget, the Administration at will cannot create a position.

Mr. Ferlo:

Or they can come back to Council for our reconsideration.

The Chair:

They would need a budgetary change.

Mr. Ferlo:

Thank you.

The Chair:

So, please notify us immediately if that is the case or is not the case.

Mr. O'Connor:

I have some questions for Mr. Ferlo. I see he had a press release today and I don't know if he's going to elaborate on it or not. But I was curious.

If you're going to sue, who pays for these lawsuits? Is it public money or your own money?

Mr. Ferlo:

Mr. President, there will be a legal action taken on my part relative to the Phipps and Schenley Park Golf Course, and I'm not at liberty to discuss that suit right now. I will discuss it later on this afternoon.

I simply wanted to at least provide Councilmembers with a general narrative statement from me as to what my cause of action is. And I'd be happy at the next meeting to answer any and all questions regarding this suit.

Mr. O'Connor:

I was curious. The Post Gazette, maybe they have a short memory, I think the public has a longer memory. I'm interested if you want to keep it as a park for all the people here, but yet I thought you were the leader to make it a nine hole golf course for the rich and famous with higher prices. And I think we've worked out a very good deal, at least for the senior citizens, the minorities and the average person to use the golf course the way it is. And I just want to make sure the media doesn't forget that we don't have a double standard here. You can't fool all the people all the time. The people of this City, at least the 99 percent that showed up at every community meeting, and they went over 300 that supported the people running it and leaving it the way it is. The first summer has been 99 percent keeping the upgrading the facility but yet keeping the prices the same and basically the same players using it. I

want to make sure we don't have a double standard.

I know when your friends were involved with it, you supported a privatization. But now that they're not involved, you're not. The press seems to have forgotten that and I want to make sure the media --

Mr. Ferlo:

I don't mind the personal attack, Mr. O'Connor, but the fact of the matter is, and it's very clear my statements of support for what I thought was a very exciting proposal in relation to the Arnold Palmer Golf Academy and operation. I viewed that as a yearly management lease and not what is being structured under what this Council approved.

There will be a lot of opportunities to attack me. There will be a lot of opportunities for me to explain my actions, and I welcome the opportunity to do that following the introduction of the legal action. And I look forward to a lot of lively debate and discussion in relation to this issue.

Mr. O'Connor:

One of the only problems is, I hate to drag CMU, a good university who has put their good faith forward and I think done a service to the City of Pittsburgh, to drag them in and bring their name down. That's where I see it going in the wrong direction. It's a shame it has to go that way, that we can't abide by our votes. Sometimes we win; sometimes we lose. But we move on and try to support what's best for the citizens of this City. This Council supported it 8-1 which we believe was best for the citizens. I wish at least on that issue you would let that part go, the golf course to remain the same. Phipps is another story.

I respect you maybe for doing that but I

can't respect what you're doing here with the golf course and who you're possibly dragging down with it.

The Chair:

It sounds to me like there's going to be further discussion on this issue.

Mr. Ferlo:

I admire Councilman Ferlo for his endeavors and what he's trying to do. But I also want to be a little critical about the press release.

I don't think that any of my colleagues on Council can afford to allow yourself to say I don't care who you're for. But let's not say that the Tom Murphy Administration will have the opportunity because it might be the Duane Darkins Administration. I just want us to be very careful about that in the future. I'm not in a dog race or a cat race. I'm in a race for the Mayor of the City of Pittsburgh and I would like my colleagues on Council to be more articulate in regards to that particular subject. Thank you.

Mr. O'Connor:

I believe if you want to add that to your press release, Councilman Ferlo, that Duane Darkins, Jack Wagner and Tom Murphy, to my knowledge, all supported the golf course initiative.

The Chair:

I don't want to sound like a visionary, but I believe this Council has to deal with the issues of the day and not the issues of the future. True, we have to plan for the future but we have bills in front of us that deal with today.

Mr. Ferlo moved to excuse Mr. Cohen, Michelle Madoff and Mr. Onorato for absence from the

meeting.

Mr. Darkins seconded the motion.

Which motion prevailed.

Mr. Ferlo:

I move to adjourn this meeting and meet
again on Tuesday, September 7, 1993 at 2:00

p.m.

Mr. Darkins seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Ferlo**

Council adjourned.

MUNICIPAL RECORD

Proceedings of the Council of the City of Pittsburgh

VOL. CXXVII

Tuesday, September 7, 1993

No. 34

Municipal Record

ONE-HUNDRED TWENTY-SEVENTH COUNCIL

JACK WAGNER President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON-WASLER.... Asst. City Clerk

Pittsburgh, PA
Tuesday, September 7, 1993

PRESENT:

MR. COHEN	MR. ONORATO
MR. DARKINS	MR. RICCIARDI
MR. FERLO	MR. SMITH
MICHELLE MADOFF	MR. WAGNER
MR. O'CONNOR	(Pres't)

The Meeting was opened by the recitation of the Pledge of Allegiance to the Flag of the United States of America, and a moment of silent prayer for peace throughout the world.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Darkins and Members of Council present

No. 3130 WHEREAS, on Sunday, August 29, 1993, we celebrate the existence and the achievements of the Negro League Baseball Teams of the Pittsburgh Crawfords and the Homestead Grays; and

WHEREAS, the Negro Baseball Teams began their struggle many years ago to achieve the goals of the team members and to create an atmosphere of equality for the African American baseball players of today; and

WHEREAS, through the efforts of the Negro League Baseball Teams, victories that improved conditions and removed unjust barriers that prevented African Americans from exercising their constitutional right "that all men are created equal"; and

WHEREAS, we acknowledge the African American teammates who have passed, the ones who could not make this celebrating event, and the teammates who are present at this event: Bill Pope, Josh Gibson, Jr., Wilmer Fields, Garnett Blair, Buck Leonard, Larry Doby, Joe Black, Reverend Harold Tinker, Robert Gaston, Eugene Baker, Cecil Cole, Sam Jethroe, James Pendleton, Walter T. Hughes and Allie Thompkins; we thank you and applaud you for the hard work and achievements you have made possible for all of us.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh is conscious of your efforts to remove the bridge that fosters division among all of us; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh hereby proclaims August 29, 1993 as "Negro League Baseball Day" in the City of Pittsburgh.

Mr. Darkins moved to adopt the resolution.

Mr. Ferlo seconded the motion.

Which motion prevailed.

Mr. Darkins presents

No. 3131 WHEREAS, the Kingsley Association is an organization dedicated to offering non-sectarian, interracial programs with emphasis on youth in providing recreational and social programs in East Liberty and surrounding communities; and

WHEREAS, the Kingsley Association offers programs for the young at heart, such as the Stroke Group and Informal Educational Classes; and

WHEREAS, the youth programs are designed to have long-term positive impact and prepare the youth for leadership roles and in an effort to expose more youth to this challenging program, Kingsley Association is developing a City-wide campaign to educate; and

WHEREAS, the Kingsley Association is celebrating its 100 years of community service and is kicking off their campaign to "Reclaiming Our Youth".

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of

Pittsburgh congratulates the Kingsley Association on their successful 100 years and wishes them many more; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh hereby proclaims September 22, 1993 as "Kingsley Association Reclaiming Our Youth Day" in the City of Pittsburgh.

Mr. Darkins moved to adopt the resolution.

Mr. Ferlo seconded the motion.

Which motion prevailed.

Mr. Darkins presents

No. 3132 WHEREAS, Henry M. Stone was born in Wrens, Georgia, 88 years ago and moved to Pittsburgh as a young adult where he worked in the Pullman Company and then was drafted into the Air Force Base and sent to Sumter, South Carolina; and

WHEREAS, after Mr. Stone served in the Air Force, he returned to the Pullman Company and moved from that employment to the Juvenile Court and retired 16 years ago; and

WHEREAS, Mary L. Stone received her undergraduate from South Carolina State College and received her Doctorate from the University of Pittsburgh and is retired from the Pittsburgh Public School System after 33 years of service, and now directs the Black College Spring Tours; and

WHEREAS, Henry and Mary L. Stone married on September 1, 1943 in Sumter, South Carolina at the Church of the Good Shepherd. They raised two children, one deceased, one living; daughter Carol Stone Taylor, and one grandchild, Amani Mungo, daughter of the deceased daughter.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh congratulates Henry and Mary L. Stone on their 50th Wedding Anniversary, and commends them for the ongoing service to Pittsburgh and their community, and declares September 1, 1993 as "Henry and Mary L. Stone Day" in the City of Pittsburgh.

Mr. Darkins moved to adopt the resolution.

Mr. Cohen seconded the motion.

Which motion prevailed.

Mr. Darkins presents

No. 3133 WHEREAS, the New Name of the Game Golf Foundation, Inc. was legally formed as a non-profit organization in the State of Pennsylvania; and

WHEREAS, it's purpose is to promote golf in the Black community and to raise funds to support scholarships for deserving and needy minority students in their pursuit of college educations; and

WHEREAS, through the proceeds raised from its first three annual golf tournaments, the Foundation has provided scholarships and continuing financial support to five high school graduates at a total commitment of \$12,500; and

WHEREAS, from the proceeds of this fourth annual golf tournament being held on September 5, 1993, the Foundation will provide scholarships and continuing financial support to at least two additional high school graduates.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh is conscious of the efforts of The New Name of the Game Golf Foundation, Inc.; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh hereby proclaims that the Saturday before Labor Day of each year be named "New Name of the Game Golf Foundation Scholarship Fundraiser Tournament Day" in the City of Pittsburgh.

Mr. Darkins moved to adopt the resolution.

Mr. Ferlo seconded the motion.

Which motion prevailed.

Mr. Onorato presents

No. 3134 WHEREAS, James A. Rubino has been a lifelong resident of Pittsburgh's North Side, where he attended the local public schools and conducted his family business for many years; and

WHEREAS, together with his wife, the former Anne Ross, they have continued to maintain their family home in the same North Side district; and

WHEREAS, James A. Rubino brought honor and distinction to the North Side community as the President of Amity Lodge, the Chairman of Ami-Ree-Mos, and as the Western Pennsylvania National Vice-President of the Order Italian Sons and Daughters of America; and

WHEREAS, James A. Rubino has played a leadership role in his community as the organizer and promoter of many civic, religious, fraternal, cultural and charitable programs.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby bestows upon James A. Rubino the Distinguished Citizen Award for August 29, 1993 and extends to him

congratulations for his many achievements; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh extends their best wishes for a future filled with good health and continued success and hereby declares Sunday, August 29, 1993 as "James A. Rubino Day" in the City of Pittsburgh.

Mr. Onorato moved to adopt the resolution.

Mr. O'Connor seconded the motion.

Which motion prevailed.

Mr. O'Connor presents

No. 3135 WHEREAS, The Irish Centre of Pittsburgh, Inc. is incorporated in the Commonwealth of Pennsylvania as a non-profit corporation, having its principal office in the Fourteenth Ward of the City of Pittsburgh, County of Allegheny, Commonwealth of Pennsylvania; and

WHEREAS, The Irish Centre of Pittsburgh, Inc. has requested the Council of the City of Pittsburgh to recognize it as a Civic and Service Association.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby recognize The Irish Centre of Pittsburgh, Inc. as a Civic and Service Association within the definition contained in the Local Option Small Games of Chance Act; and

BE IT FURTHER RESOLVED, that the Clerk of the City of Pittsburgh is hereby authorized and directed to forward a Certified Copy of this Resolution to The Irish Centre of Pittsburgh, Inc.

Mr. O'Connor moved to adopt the resolution.

Mr. Ricciardi seconded the motion.

Which motion prevailed.

Mr. Cohen presented

No. 3092 Resolution providing for the issuance of a warrant in favor of C. Megan Hughes, 1229 Denniston Avenue, Pittsburgh, PA 15217, in the amount of \$387.75 in payment of professional consulting services rendered to Councilman Dan Cohen for the month of August, 1993, chargeable to and payable from Code Account 1001-1, Misc. Services, Supplies, Equipment, etc. (Index Code 100115), City Council, District 8. --(SPONSORED BY MR. COHEN)

Which was read and referred to the Committee on Finance.

Mr. Cohen moved to suspend Rule 8 by providing for consideration of all the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. O'Connor seconded the motion.

Which motion prevailed.

Also,

No. 3093 Resolution providing for the issuance of a \$1,000.00 warrant in favor of Raymond V. and Carolyn V. Schmitt in settlement of claim for automobile damage incurred when a snowplow hit claimant's parked vehicle on March 13, 1993, payable from Code Account No. 46, Judgments.

Also,

No. 3094 Resolution providing for the issuance of a \$1,548.10 warrant in favor of Hertz

Equipment Rental Corporation in settlement of claim for vehicle damage incurred when four pieces of heavy equipment were vandalized while parked at site of the Schenley Park Trail Project on June 16, 1993, payable from Code Account No. 46, Judgments.

Also,

No. 3095 Resolution providing for the issuance of a warrant in the sum of \$385,000.00 to Lawyer's Committee For Civil Rights Under Law, Suite 400, 1400 I Street, Northwest, Washington, D.C. 20005, in the aggregate sum of \$385.00 in settlement of a claim for attorneys fees and costs expended in connection with the litigation of Metropolitan Pittsburgh Crusade for Voters, et al. v. City of Pittsburgh, et al., payable from Code Account No. 46, Judgments.

Also,

No. 3096 Resolution providing for the issuance of a warrant in favor of Injury Prevention Works, 205 Elm Street, Pittsburgh, PA 15218, in the amount of \$600.00 in payment for professional services rendered to Councilman Cohen in connection with the preparation of the Pittsburgh playground safety ordinance, chargeable to and payable from Code Account 1001-1, Misc. Services, Supplies, Equipment, etc., City Council, District 8, (Index Code 100115).

---(SPONSORED BY MR. COHEN)

Which were severally read and referred to the Committee on Finance.

Mr. Darkins presented

No. 3097 Resolution providing for the issuance of a warrant in favor of Pittsburgh Housing Now, Urban League of Pittsburgh, One Smithfield Street, Pittsburgh, PA 15222-2222, in the amount of \$2,000.00 in payment for the rental

of two buses for the March on Washington scheduled for August 28, 1993, chargeable to and payable from Code Account 1001-1, Misc. Services, Supplies and Equipment, City Council, Index Code (100115). ---**(SPONSORED BY MR. DARKINS)**
(PRIOR APPROVAL GRANTED)

Which was read and referred to the Committee on Finance.

Also,

No. 3098 Resolution authorizing the Mayor and the Director of the Department of Public Works to execute an Agreement with the Municipality of Penn Hills and the Allegheny County Sanitary Authority consenting to the assignment of Sewage Service Agreement among the City, the Allegheny County Sanitary Authority and the Municipality of Penn Hills.

Also,

No. 3099 Resolution granting unto Michael Grabowski, 960 Norwich Avenue, Pittsburgh, PA 15226, his successors and assigns, the privilege and license to construct, maintain and use at his own cost and expense, a fence on a portion of Norwich Avenue and Queensboro Avenue in the 19th Ward, 4th Council District of the City of Pittsburgh. This request is made by Michael Grabowski to fence off his yard area to keep it clean of litter.

Also,

No. 3100 Resolution granting unto Boulevard Building, Inc., 401 Bingham Street, Pittsburgh, Pennsylvania 15203, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a concrete handicap ramp in the right-of-way of Stevenson Street in the 1st Ward, 6th Council District of the City of Pittsburgh.

Also,

No. 3101 Resolution granting unto Scott and Maryann Goodrick, 1431 Dickson Street, Pittsburgh, PA 15212, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a fence on a portion of Ancy Way in the 27th Ward, 1st Council District of the City of Pittsburgh. This request is made by Scott and Maryann Goodrich to fence off their yard to install a swimming pool.

Also,

No. 3102 Resolution changing the name of McPherson Street to McPherson Boulevard, which is located between Fifth Avenue and North Homewood Avenue in the 14th Ward, 9th Voting District of the City of Pittsburgh. This request is made on behalf of the residents of this street who petitioned the City for this change.

Also,

No. 3103 Resolution changing the name of Terra Way to Yeshiva Way, which is located between Hobart Street and Covode Street in the 14th Ward, 5th Voting District of the City of Pittsburgh. This request is made on behalf of Yeshiva Schools.

Also,

No. 3104 Resolution changing the name of Flach Street to Flack Street, which is located between Spring Street and Topeka Street in the 16th Ward, 3rd Voting District of the City of Pittsburgh. The request is made by the residents of this street who petitioned the City.

Which were severally read and referred to the Committee on Public Works.

Mr. Ferlo presented

No. 3105 Resolution adopting a Tax Incremental Financing Plan presented by the URA of Pgh., creating the Pittsburgh Technology Center Tax Incremental Financing District, and making certain findings. (Council District No. 6)

Also,

No. 3106 Resolution authorizing a Cooperation Agreement or Agreements with the URA of Pgh., the County of Allegheny and the Pittsburgh City School District providing for the financing, monitoring, implementing and terminating of the Pittsburgh Technology Center Tax Incremental Financing District. (Council District No. 6)

Which were read and referred to the Committee on Planning, Housing and Development.

Mr. Ferlo moved to suspend Rule 8 by providing for consideration of all the bills only until or after the 8th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. Ricciardi seconded the motion.

Which motion prevailed.

Also,

No. 3107 Resolution authorizing the URA of Pittsburgh to acquire all of the City's right, title and interest, if any, in and to the publicly-owned property in the 5th Ward of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County, as Block 10-N Lot 14, for the sum \$1.00, under the Residential Land Reserve Fund. The property is located at 9 Trent Street and contains approx. 1,213 square feet of vacant land. This parcel is being acquired as part of a site assemblage for

future residential development. The Hill Community Development Corporation will be the developer upon completion of the site assemblage. (Council District No. 6)

Also,

No. 3108 Resolution authorizing the URA of Pgh. to acquire properties in the City of Pittsburgh under the Residential Land Reserve Fund, said properties having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh. (Council District No. 5)

Also,

No. 3109 Resolution authorizing the URA of Pgh. to acquire all of the City's right, title and interest, if any, in and to the publicly-owned property in the City of Pittsburgh, for the sum of \$1.00, under the Industrial Land Reserve Fund. (Council District No. 6)

Also,

No. 3110 Resolution authorizing the URA of Pgh. to acquire all of the City's right, title and interest, if any, in and to the publicly-owned property in the 21st Ward of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County, as Block 22-B Lot 174, for the sum of \$1.00, under the Residential Land Reserve Fund. (Council District No. 6)

Also,

No. 3111 Resolution approving execution of a Contract for Disposition by Sale of Land by and between the URA of Pgh. and Richard J. and Lynn Pilarski for the sale of Block 3-R Lot 83, for the sum of \$600.00, in the 17th Ward of the City of Pittsburgh (SIDEYARD). (Council District No. 3)

Also,

No. 3112 Resolution approving execution of a Contract for Disposition by sale of Land by and between the URA of Pgh. and Jackson and Martha Whetstone for the sale of the properties in the City of Pittsburgh. The redevelopers are the adjacent owner-occupants whose mailing address is 5114-5116 Gloster Street, Pgh., PA 15207. (SIDEYARD) (Council District No. 5)

Also,

No. 3113 Resolution approving execution of a Contract for Disposition by sale of Land by and between the URA of Pgh. and Edward J. and Debra A. Roose for the sale of Block 22-B Lot 174, for the sum of \$350.00 in the 21st Ward of the City of Pittsburgh. (Council District No. 6)

Which were severally read and referred to the Committee on Planning, Housing and Development.

Michelle Madoff presented

No. 3114 Resolution Repealing Res. No. 1287, appr. Dec. 18, 1992, eff. Dec. 18, 1992, entitled "Providing for the transfer of an aggregate amount of \$455,000.00 from various Code Accounts, Dept. of Water to Code Account No. 1926, Municipal Obligations for Non-City Water, Department of Water." This resolution was originally prepared to transfer monies needed in 1992. However, funds were not encumbered until 1993. An unencumbered carry-over was approved and budgeted to cover these expenditures in 1993. Resolution 1287 is no longer needed and the Dept. of Water is requesting it be repealed in order to liquidate funds for other use.

Also,

No. 3115 Resolution providing for the transfer of funds totalling in the aggregate amount of \$100,000.00 from Code Account 1922, Misc. Services, Administration, Dept. of Water, \$65,000.00, and Code Account 1972, Misc. Services, Purification and Pumping, Dept. of Water, \$35,000.00 to Code Account 1132-2, Telephone Services and Equipment, Dept. of General Services. This transfer will cover payments for Telephone Services and Equipment totalling \$100,000.00. The City is reimbursed by the Pgh. Water and Sewer Authority for all Water Department direct and indirect expenditures. A transfer is necessary to enable General Services to pay for the expenditures.

Also,

No. 3116 Resolution providing for the transfer of funds totalling \$19,000.00 from Code Account 1922, Misc. Services, Dept. of Water to Code Account 1132-5, Radio Improvements, Dept. of General Services. This transfer will cover lease payments for the 800 M.H.Z. Radio System.

Also,

No. 3117 Resolution providing for the transfer of \$215,000.00 from Code Account 1977, Utilities, Dept. of Water to Code Account 1132-7, Utilities, Dept. of General Services. These funds are needed to pay for annual expenditures of bulk natural gas purchases for heating of various facilities, warehouses, pump stations and the Treatment Plant.

Also,

No. 3118 Resolution providing for the transfer of funds totalling \$380,000.00 from Code Account 1922, Misc. Services, Dept. of Water to Code Account 1154-1, Rental of Motorized Equipment, Dept. of General Services. This transfer will cover the 1993 lease

payment for Water Department vehicles.

Also,

No. 3119 Resolution providing for the transfer of funds totalling \$30,000.00 from Code Account 1922, Misc. Services, Dept. of Water to Code Account 1921, Premium Pay, Administration-\$10,000.00 and Code Account 1971, Premium Pay, Purification & Pumping-\$20,000.00, Department of Water. This transfer is necessary to cover employee premium pay costs for Administration and Purification & Pumping through the end of the year.

Which were severally read and referred to the Committee on Finance.

Mr. O'Connor presented

No. 3120 Resolution providing for the issuance of a warrant in favor of Scanlon Consulting & Accounting Services, 123-TA Oakville Drive, Pittsburgh, PA 15220, in the amount of \$637.50 in payment for professional services rendered to Councilman O'Connor for the month of August, 1993, chargeable to and payable from Code Account 1001-1, Misc. Services, Supplies, Equipment, etc. (Index Code 100115), City Council, District 5.
---(SPONSORED BY MR. O'CONNOR)

Which was read and referred to the Committee on Finance.

Mr. Onorato presented

No. 3121 Resolution providing City Council to retain its own attorney, at a cost not to exceed \$5,000.00, chargeable to and payable from Code Account 1001-1, Misc. Services, Supplies, Equipment, etc., City Council.
---(SPONSORED BY MR. ONORATO & MR. RICCIARDI)

Which was read and referred to the Committee on

Finance.

Mr. Onorato moved to suspend Rule 8 by providing for consideration of all the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Ferlo seconded the motion.

Which motion prevailed.

Also,

No. 3122 Resolution providing for a Contract or Contracts or the use of existing Contract or Contracts to purchase an outdoor camera system with installation for the Tow Pound at a cost not to exceed \$14,000.00, chargeable to and payable from the Tow Pound Trust Fund (TPTF), Index Code 254599.

Which was read and referred to the Committee on General Services.

Mr. Ricciardi presented

No. 3123 Resolution that the Directors of the Department of Public Safety, General Services and Finance are hereby authorized and directed to, within ten (10) days of final passage of this Resolution, begin to perform research and analysis with respect to the preponderance of offensive weapons in the City-County Building.
---(SPONSORED BY MR. RICCIARDI)

Which was read and referred to the Committee on Public Safety.

Mr. Ricciardi moved to suspend Rule 8 by providing for consideration of all the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. O'Connor seconded the motion.

Which motion prevailed.

Mr. Smith presented

No. 3124 Resolution providing for the issuance of a warrant in favor of Greater North Side Athletic Association, 117 East Jefferson Street, Pittsburgh, PA 15212, in the amount of \$1,000.00 in payment for professional services rendered to Councilman Smith, chargeable to and payable from Code Account 1001-1, Misc. Services, Supplies, Equipment, etc. (Index Code 100115), City Council, District 6.
---(SPONSORED BY MR. SMITH)

Also,

No. 3125 Resolution providing for the issuance of a warrant in favor of Perry Hilltop Citizens' Council, 2107 Perrysville Avenue, Pittsburgh, PA 15214, in the amount of \$250.00 in payment for professional services rendered to Councilman Smith, chargeable to and payable Code Account 1001-1, Misc. Services, Supplies, Equipment, etc. (Index Code 100115), City Council, District 6.
---(SPONSORED BY MR. SMITH)

Which were read and referred to the Committee on Finance.

Mr. Smith moved to suspend Rule 8 by providing for consideration of all the bills only until or after the 8th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. Ricciardi seconded the motion.

Which motion prevailed.

The Chair presented

No. 3126 Communication from Melanie Smith, Director, Dept. of Personnel and Civil Services, requesting an amendment to the approved interim travel request dated August 27, 1993 for Loretta Kemp, Chairperson of the Youth Fair chance Community Advisory Resource Board, Annette Jordan, Youth Fair Chance Board member and Principal of McKelvey School, and Khalid Thomas and Youth Fair Chance board members, to attend Cities in Schools training for the YOU/Youth Fair Chance projects in Bethlehem, PA from Sept. 12, 1993 thru Sept. 16, 1993, (none of the above are City employees) by changing the total cost from \$1,884.00 to \$3,487.00 due to incorrect airfare information, payable from the JTPA-1 Trust Fund.

Which was read and referred to the Committee on Finance.

Mr. Cohen moved to suspend Rule 8 by providing for consideration of all the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Darkins seconded the motion.

Which motion prevailed.

Also,

No. 3127 Communication from Ben Hayllar, Director, Dept. of Finance, submitting a report of securities pledged as collateral by City Depositories as of June 30, 1993.

Also,

No. 3128 Petition from the residents of the City of Pittsburgh, requesting City Council to conduct a public hearing concerning their

opposition to any development of property at 235-237 South Millvale Avenue by the Bloomfield-Garfield Corporation.

Which were read, received and filed.

UNFINISHED BUSINESS

The Chair presents

No. 3129 Communication from Mayor Sophie Masloff returning with her veto Council Bill No. 2892 entitled, "Resolution repealing Resolution 987, approved November 30, 1987 entitled, 'Resolution establishing a schedule of fees and charges in connection with the Department of Parks and Recreation Swimming Pools Program.'"

Which was read.

(MAYOR'S VETO LETTER)

August 30, 1993

President and Members
Pittsburgh City Council
414 Grant Street
510 City-County Building
Pittsburgh, PA 15219

Re: Council Bill No. 2892

Dear President and Members:

I am returning herewith Council Bill No. 2892 which I hereby veto. This Council Bill repeals Resolution No. 987 of 1987 which established fees for admission to the swimming pools operated by the Department of Parks and Recreation.

Presently the fees are:

Annual Pool Pass Fees

Infant (2 yrs. and younger)	Free
Youth (3 yrs. through 15 yrs.)	\$ 5.00
Adult (16 yrs. and older)	\$10.00
Family (maximum of 4)	\$20.00
Each additional member	\$ 3.00
Non-City Resident	\$25.00

Tag Replacement

Youth	\$ 5.00
Adult	\$10.00
Non-City Resident	\$25.00

Daily Admission to Regional Pools

Infant (2 yrs. and younger)	Free
Youth (3 yrs. through 15 yrs.)	\$1.00
Adult (16 yrs. and older)	\$2.00

Persons receiving Public Assistance are issued free pool passes upon presentation of their Public Assistance identification card; therefore, nobody is denied admission based on inability to pay. Admission fees are minimal for the value received by those who pay.

Pool admission fees are an important funding resource for maintenance of the City's thirty-two pools. \$140,000 is budgeted in 1993 as operating revenue to pay for pool staffing and supplies and maintenance. To date, \$133,200 has been received in pool fees for the year. An additional \$110,000 was shown in my proposed 1993 budget. This was to come from an increase in pool fees which was not passed by Council. This means that an amount in excess of \$200,000 has been moved into the pools program so far this year from other operating funds. Please remember that the number of pools operated by the City now is about the same as it was when the City population exceeded a half million. At today's population rate there is a pool for every 11,500 residents and only a fraction of those would use the community pool. Without user

fees, there is no way that this level of service can continue to be provided.

In 1994, the County will impose new Bathing Place regulations which will require even greater levels of spending to keep the pools open. If we are to operate pools in 1994, we must increase admission fees to meet these required, but unfunded, mandates by the County. To abolish user fees in 1994 is irresponsible and will result in draining funds from other necessary City services or closing pools.

An admission process, which the collection of fees provides, also allows City staff to exercise a necessary level of control on the use of our pools. Free admission would provide no funds to pay for admission staff at pools. Anybody, including non-residents in affluent suburbs, could use the pool at will. This would cost every City taxpayer money but would save the non-resident the cost of admission at County or private pools, both of which are much higher than the fees at City pools. Anybody who wishes to use a pool as a site for mischief or violence could do so without planning or any impediment to admission. Under the current system, admission is denied to those who do not make some minimal previous arrangement to use the pools and this discourages the carrying of personal or neighborhood disputes into the pools. Without admission controls provided through tags and tickets, the pools could become more dangerous and will require not only the present level of staffing but will also require a much higher police presence which City residents would pay for.

For these reasons, I am opposed to eliminating pool fees beginning in 1994. To do so would be damaging to the City's finances as well as to the safety of those using the pools.

Thank you for your consideration in this matter.

Sincerely,

Sophie Masloff
Mayor

(END OF VETO LETTER)

Mr. Ferlo moved to override the veto.

Michelle Madoff seconded the motion.

Mr. Ferlo:

I am asking my colleagues who voted initially on this bill to repeal the fees, would they please continue to vote in support of repealing the fees by today voting aye on the bill.

I have lobbied on this bill for four years and I don't think I need to make a speech. I respect the Mayor and the Administration's viewpoint on this issue from the financial point of view, but I strongly disagree as a matter of social policy and as a matter of providing an amenity to our families and to the young people in this City.

Michelle Madoff:

As we come to the end of an era, a number of us won't be back here in the following year and the perception might be that we're being picayune with the Administration because, after all, they need the money from these pools.

I would like to remind the public, and I hope they're listening very carefully, that when we look at the issue of bonds that have been issued in this City, the State, County and Federal Government, it is bigger than the Savings and Loan scandal. And the kind of money, the millions of dollars that are wasted on every bond that is done negotiated and not competitively will more than pay for building new pools all over the City and building pools that are a mile or two

miles in size. So that is just a red herring.

Let's deal in reality here. Let's clean up the mess, the pinstripe patronage, the Good Old Boy Network, and all the money for all the programs including police needs, retraining programs, having our youth have a place to go for recreation so that they're not out on the streets. All those things would be taken care of if we would stop the process of negotiated bonds. So let's put it in perspective. Thank you.

The Chair:

One brief comment of my own. I've been consistent over the years. I never voted to have these fees implemented to begin with. I opposed it back in 1987 and 1988. Therefore, I'm going to vote to override the veto today.

Plus, due to the fact that we have had some swimming pools close early several years in a row, I believe that indirectly does not indicate that the program is as efficient as it should be. Consequently, I believe another legitimate reason to vote against these fees.

Finally, we have to do everything in our power to keep kids off the streets and keep them active and the pools are an excellent way to do that.

We need six votes to override the Mayor's veto to let Bill No. 2892 stand.

Is there any further discussion on the motion to override?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Michelle Madoff	Mr. Wagner
	(Pres't)

AYES 6 NOES 3

VOTING NO:

Mr. Cohen	Mr. Onorato
Mr. O'Connor	

And there being two-thirds of the votes of Council in the majority, the veto was overridden.

The Chair:

The veto is overridden; therefore, the bill stands and the pool fees will be eliminated effective January 1, 1994.

MOTIONS AND RESOLUTIONS

Mr. Ricciardi:

Mr. Wagner, I'll be brief. It's my understanding from a memorandum we received from Mary Conturo, our City Solicitor, dated September 1, 1993 regarding House Bill 65, that the Law Department is of the opinion that a public comment opportunity is required at all regular Tuesday sessions, as well as any advertised special meetings.

Paragraph 2 of that memorandum also states that our current public hearing process does not qualify for the exception noted in Section D of the bill.

The memorandum also goes on to say that three recommendations are made, and I'd just like to take this opportunity to read the first

recommendation. That is, "As a final order of business prior to adjournment, the President of Council would ask if there are any City residents or taxpayers of the City, who wish to comment on matters of concern, official action or deliberation which are or may be before Council. The limitation on the subject matter is only those areas within the possible jurisdiction of Council and also there is no requirement that a quorum may be present during the comment period."

I realize, as all of my colleagues, that we have many pieces of correspondence in our office after the recess. However, I think this is one important piece that we should review and hopefully next week have an opportunity to discuss. Obviously, we can accept the memorandum in its entirety and accept the recommendation, that is that public comment be permitted after all meetings. Or, obviously, we can decide that our public hearing process does withstand House Bill 65.

Personally, I do support the memorandum and I welcome public comment after all of our meetings. However, at this time I'm not making any resolutions or not asking my Councilmembers to commit either way. I'm just asking that at your opportunity you can review the memorandum and, hopefully, during this week we could discuss it with each other and next week be ready to talk about it openly and maybe present to the public what our position is on the memorandum.

In closing, I would just like to ask my colleagues to review the memorandum, if you have not have an opportunity, and at least know my position, and that position is that I support our Solicitor's view and I welcome public comment after each meeting, including our Tuesday meeting.

The Chair:

I would suggest that we have, if it's receptive with all of you, actually have an open televised post agenda meeting on this issue and invite the media and determine what the agenda is, and should be, for this Council.

Mr. Smith seconded the motion.

Mr. Ricciardi:

Could we have a little better clarification?

The Chair:

Rather than us discussing this here at a legislative meeting, or maybe a Councilmember or two coming up with a piece of legislation, I think it's the kind of piece of legislation passed in Harrisburg that we need to sit down and make sure that we're on sound legal ground as to what we're doing and discuss it openly, publicly, and make sure that no one thinks that we're coming up with any agenda that is not the right agenda. And simply have an open public informal discussion of Council with the Solicitor and make sure that we're following the letter of the law the way it should be.

Mr. Ricciardi:

I think that's a good idea and one that I support. That's all I'm looking for, starting to communicate with each other and see what our position is on House Bill 65, our position on the memorandum and, obviously, if we're going to accept the stance of the Law Department and how we believe we could increase public participation, not just by the public hearing process but maybe any other means.

So, obviously, Mr. Wagner, I would support that. And Mr. Smith seconded it and I would vote in favor of that post agenda.

The Chair:

All in favor? Opposed?

WHICH MOTION PREVAILED.

The Chair:

The City Clerk's Office will set up a post agenda and we'll televise the post agenda within the next couple of weeks.

Mr. Cohen:

Mr. President, I have three brief items to bring before Council today.

One. This letter that we received from the Mayor dated August 18, regarding the Community Development Block Grant money that might be available this year. We all know about that 15 percent cap that the federal government requires for public service when it comes to Community Develop Block Grant money, federal money. And, of course, we voted to use much of that money for the police last year.

This letter from the Mayor's Office seems to send a message that the Community Development Block Grant money that would be available for worthy organizations is going to be restricted, if not eliminated. But it's not clear to me exactly what kind of money we're talking about this year.

So, what I would like to do is begin a dialogue with the Mayor's Office to find out exactly how much money is going to be available. The number that was put in this letter is \$4 million for the cap, that public service cap of 15 percent, most of which, as I said, was used for police. But we need to know this. The budget hearings are not that far off, really only two months off that the Mayor will be presenting her

Operating Budget to us.

So, I would like to request that we have either a post agenda or send a letter to the Mayor's Office to find out how much money they believe is going to be available this year for federal funds for worthy organizations in the City.

I don't know about other Councilmembers, but my office has already received a number of phone calls as a result of the letter that the Planning Department sent out also saying that the money is going to be restricted. Many of these organizations are very, very worthy organizations that have received money in the past and are worried that they're not going to be receiving money this year.

Mr. Ferlo:

I hope all of us will remember that the overall budget that we approve is our budget, including the Capital Budget and how the Community Development Block Grant monies will be allocated ultimately. And I would remind the Administration the prerogative of Council regarding this issue.

I don't know if we want to open up for debate the whole issue about how we have used the Block Grant monies in the past. As you know, I totally supported the additional police officers being put on the payroll. My problem initially, and I voiced that concern last year, I respectfully disagreed with the majority of my colleagues in terms of how we utilize the Block Grant money. And now I think we see the problem coming home to roost.

I would urge two things immediately. I have talked to Mr. Onorato who came to my office this morning, Mr. Ricciardi, and I'm sure every one of us is concerned now about the Block Grant. I don't think there's any debate about the priority being the need for the additional police

officers that we all support. I still think there's some division on how we use the Block Grant monies versus the operating tax dollars that we have and which pot of money covers what expenditure.

I do think that non-profit groups in this City and community-based organizations that serve the most disadvantaged neighborhoods and/or most disadvantaged individuals, I think they have legitimate cause legally if not morally to raise objections to the policy of this Council and the Administration on how we earmarked those Block Grant dollars in terms of what the Congress has mandated for the use of those funds.

Setting that issue aside, I think we have a predicament that we need to begin to deal with. But I would hope that Council would keep open the possibility of looking once again at how we prioritize our Operating Budget dollars to achieve the priority that we want, and that is the additional police officers. I think in a way we've pitted one worthy priority against another worthy priority. In a way, we pitted the need for additional police officers with whether or not we're going to continue to operate a home security lock installation program or smoke detector program or whether or not we're going to fund 20 or 30 food pantries around the City, etc. etc.

Now, it's true that a lot of the Block Grant dollars that could go to the CBO groups could be used for infrastructure, bricks and mortar. But I think we know that probably 80 percent of the groups that we fund need those dollars for some of the administrative and rent and office overhead costs that they have.

So, I would just urge two things. One, that we unite with the Administration, and I'm sure others have already taken this initiative, to lobby HUD for a change of interpretation on the

15 percent cap. We need a sense from the Administration and from HUD, if not from Congress and the White House, that we need to up that 15 percent to try to deal with the problem that we're in right now in terms of how we've gone over the 15 percent on the public service cap. So, we should be lobbying the HUD officials and/or members of Congress just on that problem.

Secondly, I think we need to sit down, as Mr. Cohen suggests, even amongst ourselves and talk about how we're going to prioritize.

But, as far as my vote, it's going to be the same as last year, and that is, I would rather reprioritize the Operating Budget to meet the need of the priority which is police more than other priorities, including new Department Director cars, as opposed to eating in to worthy organizations who really legitimately are getting funded through federal dollars based on a Congressional mandate. The Congressional mandate for the Block Grant monies are to serve the most disadvantaged. And I still disagree respectfully with this notion of paying operating costs, i.e. police officers, out of those federal funds that are intended to meet the needs of the most disadvantaged in this City.

Mr. Cohen:

Mr. President, we're not going to resolve this issue here and I don't intend to. I think the issue of using Community Development Block Grant money for police, that ship has sailed, and I'm glad that it said in the right direction which is that we have more police now.

The question of lobbying the federal government for an increase in the cap, from 15 percent higher, is a worthy action and I certainly support Councilman Ferlo's statements on that. But the likelihood is that it's not going to happen this year.

Right now, today, we are sending a mixed message to non-profits throughout the City. On the one hand we're saying that there is money available. On the other hand we're saying that it's going to be restricted, if not eliminated.

I'd like to move to resolve that conflict by making a motion for a post agenda to sit down with the Administration and try to find out how much money is available. Unless we know how much money is available, we won't know how to go about giving a message to these organizations.

Mr. Ricciardi seconded the motion.

Michelle Madoff:

It would seem to me that year after year we have the same questions asked. And year after year we say let's talk to the Administration early so we can address the needs. And year after year if they want our opinion they'll give it to us.

I think the public needs to realize that we really have very little power. The only power you have is in sheer weight of numbers and if we have enough votes in the next Council to say to the Administration, whoever that may be, we will not deal with your issues unless you deal with our issues, that's the only way anything is going to change. But too often you find Councilmembers who just like to go in and out of the Mayor's Office and like to be buddy-buddy and think that maybe that will help their community. So, they sell out the whole community for their own district or their own needs.

The fact is, you have to hang tough. You're never going to solve these problems and I tell you that from years of experience unless you get together and use your muscle.

The other thing you need to look at is that the Administration needs to clarify with you what

portion of that money they're going to use and allocate, and what portion they're going to allow you to allocate. Would you believe that the first five or six years I never knew that I even had a say in where money should go? Nobody told me; they just spent the money in my allocation. And they'll do that to new members of Council and they're going to get away with it as long as you let them do it and as long as you let them to go negotiated bonds.

The power to override vetoes is here. The power to make sure that things happen. And Jack is smiling because he knows I'm telling the truth. So you really need to start to look at the real world.

Mr. Onorato:

I support the motion for the post agenda.

I was at an event with Congressman Coyne last week and I brought the issue up to him about possibly raising the cap and the problem we're facing because my office has been swarmed with phone calls also. He was very receptive to it.

He also made a good point where this is one issue that probably would have bi-partisan support because a lot of the Republicans favor the idea of putting control in the local municipal hands with federal dollars with the idea that local authorities know better where to spend it than coming out of the federal government.

We also know that Mayor Masloff has some strong ties to this current Administration, some friends and some lobbyists that are close to the Clinton Administration. I think it's worth an effort between now and December to try to lift the cap because it's one way that President Clinton could really help the cities without spending an extra dime. We're not asking for more money; we're just asking for the ability to spend it in

different ways.

The amount we're getting is going to come here. We just want to be able to say we want to spend it this way. So I think it's worth pursuing with a letter from Council to the Congressmen around this area, in addition to the support from the Mayor's Office down in Washington, D.C. And maybe between the post agenda and the letters of support we could have something by December.

The Chair:

There's a motion and a second for a post agenda. All in favor? Opposed?

WHICH MOTION PREVAILED.

The Chair:

We will schedule a post agenda on that issue. If you want it televised, we'll televise it. So many community groups are interested in the issue.

Mr. Cohen:

I just wanted to inform Council, they probably know already, that on the question of TCI's rates and equipment charges, the City did on September 1st file two forms with the federal government. One was, we actually filed a complaint with the FCC on behalf of the City of Pittsburgh against TCI of Pennsylvania saying that their rates are unreasonable. We're only allowed to file a complaint on the higher tier, the expanded basic tier, and Brother Richard did that on behalf of the Cable Bureau and on behalf of the City of Pittsburgh. That's one.

The other is, there was a form to seek certification with the FCC so that we, City Council, can begin regulating the basic service fees.

As you know, TCI submitted rates just two weeks ago and it was a mixed bag, frankly. On the one hand, they did reduce the charge for the remote control device which this Council has been very, very vocal on, from \$3.00 a month down to 9 cents a month. 9 cents a month at least is closer to reality and I think that showed how absurd the \$3.00 a month charge was.

On the other hand, they raised the expanded basic rate from \$22.00 to \$23.52 a month. So that's a \$1.52 increase which, personally, I think violates the spirit if not the letter of these new FCC regulations.

So, we have taken the first step. We have filed suit against them, filed a complaint with the FCC on the expanded basic, and filed for certification under the basic rate.

The next step is that we expect that the City of Pittsburgh will become certified by October 1st. The FCC has given themselves a 30 day deadline by which to certify cities. So that will happen. We have to adopt rate regulations that are consistent with the FCC by October 2nd, which I think probably will not be that difficult. And then the big date really is November 15th. By that date, TCI has to submit its rates and all the supporting documents that justify those rates, including the cost for all the channels and all of their services. And I think that that will give us really a glimpse into the monolith that TCI has been for so many years. So, that's really where we stand on cable.

Finally, I just wanted to ask on an entirely different subject whether or not we've come up with a date for the summit on the tax forfeiture housing issue?

The Chair:

I believe there has been a memo

circulated. If I'm not mistaken, it's September 30th.

Mr. Cohen:

Great. Is that going to be televised too?

The Chair:

How about a motion to televise it?

Mr. Cohen:

So moved.

Mr. Ricciardi seconded the motion.

WHICH MOTION PREVAILED.

Michelle Madoff:

Other issues. May I ask my colleagues a question? Has anyone any knowledge of a study that was done with CMU or by CMU on the community police? Either a class or students or some research program, did a study on the effect or the value of having community police in the community and what that cost and who did it and who authorized it?

Mr. Cohen:

I don't know if this helps but I know that Dean Bloomstein over at the Heinz School is an expert in the criminal area. I wouldn't be surprised if such a report was done that he was involved in that.

Michelle Madoff:

I would like a letter sent to the Administration inquiring as to whether such a study was authorized, who authorized it and who paid for it. And could this Council please get a copy of the findings?

I don't think it has to be a motion. I can make a request and have the City Clerk do it. I just wanted to alert my colleagues to the fact that I heard from a very reliable source that, indeed, that did take place and they're going to send me a copy. One of the students involved was going to send me a copy from CMU and I should have it at any time now. But I thought why wait for it, that I would make the request. Thank you.

Mr. Ferlo:

Briefly, back on Mr. Ricciardi's issue that he raised earlier.

Could we have the Clerk's Office take a little poll of some of the other municipalities around the Commonwealth and see how they've

reacted to that legislation that Mr. Ricciardi talked about earlier? Thank you.

The Chair:

Sure. In regard to House Bill 65, to see how other municipalities are reacting or how they propose to react to the legislation.

Mr. Ricciardi:

I believe our Solicitor has done some research in that field. It's not really part of the memorandum so that's why it's a good idea for that post agenda.

And on the motion of Mr. Cohen

Council adjourned.

MUNICIPAL RECORD

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Municipal Record

ONE-HUNDRED TWENTY-SEVENTH COUNCIL

JACK WAGNER President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON-WASLER.... Asst. City Clerk

Pittsburgh, PA
Tuesday, September 14, 1993

PRESENT:

MR. COHEN	MR. ONORATO
MR. DARKINS	MR. RICCIARDI
MR. FERLO	MR. SMITH
MR. O'CONNOR	MR. WAGNER
	(Pres't)

ABSENT:

MICHELLE MADOFF

The Meeting was opened by the recitation of the Pledge of Allegiance to the Flag of the United States of America, and a moment of silent prayer for peace throughout the world.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. O'Connor presents

No. 3158 WHEREAS, William Block, Sr., has been involved in the newspaper business since 1936, beginning in street sales, becoming Assistant to the General Manager of the Blade and Pittsburgh Post Gazette in 1939, becoming Co-Publisher in 1941, Publisher and Chairman of Blade Communications, Inc. in 1987, Chairman of the Post Gazette Publishing Company in 1989, and Owner of the Pittsburgh Press in December, 1992; and

WHEREAS, Mr. Block has given generously of his time and expertise as a member of the Pittsburgh community, serving on the Board of Directors of many civic, charitable and cultural organizations, chairing committees on a variety of worthwhile causes, and serving as a Director of the Pittsburgh Symphony Society for 40 years; and

WHEREAS, in further service to Pittsburgh, Mr. Block has actively participated in the Better Business Bureau, Allegheny Conference on Community Development, Community Chest of Allegheny County, Gateway to Music, Golden Triangle Association of Pittsburgh, Health and Welfare Association, Historical Society of Western Pennsylvania, Pittsburgh Council for International Visitors, World Affairs Council of Pittsburgh and the H.J. Heinz III School of Public Policy and Management; and

WHEREAS, the Variety Club, a well-established children's charity, will award Mr. Block the honorable title of Variety's Businessman of the Year for his service, in keeping with the Club's annual tradition of honoring the contributions of local business leaders to the community.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends William Block, Sr. for a lifetime of dedication to the community, and commends the Variety Club for its continuing charitable service and tributes to community leadership; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh recognizes the invaluable contributions that Mr. Block has made to the City newspaper business, and the community at large, and does hereby declare the day of August 29, 1993 as "William Block, Sr. Day" in the City of Pittsburgh.

Mr. O'Connor moved to adopt the resolution.

Mr. Ricciardi seconded the motion.

Which motion prevailed.

The Chair presents

No. 3159 WHEREAS, the Pittsburgh Crafts Consortium is celebrating the Year of American Crafts on Friday, September 10, 1993 by holding a City-wide "Arts Nights Out", including the simultaneous opening of eleven arts organizations, museums, shops, and galleries in the Pittsburgh area; and

WHEREAS, the Pittsburgh Crafts Consortium is a non-profit group formed in 1991 by twenty-seven local artists, organizations, guilds, and others to assure that Pittsburgh would

play a prominent role in the Year of American Crafts, celebrated in North, South and Central America; and

WHEREAS, the City-wide Celebration is the focal point of Pittsburgh's participation in the Year of American Crafts, featuring receptions, exhibits, lectures, "meet the artist" affairs, and the annual Fair in Mellon Park; and

WHEREAS, the Consortium has also organized a regional exhibition of work by artists living and working within a 50 mile radius of Pittsburgh, to be displayed at both the One Mellon Bank Center and Wood Street Galleries in Downtown Pittsburgh.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby declares Friday, September 10, 1993 as "The Year of American Crafts Day" in the City of Pittsburgh in honor of the Pittsburgh Crafts Consortium's efforts to promote the City's wealth of talented artists and craftsmen.

Mr. Cohen moved to adopt the resolution.

Mr. Ferlo seconded the motion.

Which motion prevailed.

The Chair:

Members of Council, we have one final resolution that I'm honored to present and I'd like to ask the various gentlemen that are here today to please step forward to receive the resolution. We're honored to have you here in Pittsburgh today.

This resolution is sponsored by the majority of Council and I'm very honored that my colleagues have joined me in the resolution. And I'm extremely honored that the people that are here have joined us today. Mr. Mike Levine is

going to represent the group in a moment, after we read the resolution.

It's a very, very exciting opportunity for Pittsburgh, one that these gentlemen have been working very hard at for several years.

Mr. Wagner, Mr. Cohen, Mr. Smith, Mr. Onorato, Mr. Darkins and Mr. O'Connor present

No. 3160 WHEREAS, the City of Pittsburgh has been and is extremely fortunate to be recognized as a Major League sports town; and

WHEREAS, the Pittsburgh Penguins, Pittsburgh Pirates and Pittsburgh Steelers have all delivered championships to the fans of Pittsburgh and the region, with the 1970's bringing Pittsburgh the title "City of Champions"; and

WHEREAS, Major League sports franchises are large economic generators putting millions of dollars into local economies and greatly enhancing the quality of life to communities; and

WHEREAS, the City of Pittsburgh and the Tri-State area has room for and the capability to support another Major League franchise - a National Basketball Association (NBA) franchise; and

WHEREAS, Michael Levine and his organization, Pittsburgh Pro Sports Inc., will submit an application to the National Basketball Association for a Pittsburgh NBA expansion franchise on October 15, 1993.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend the efforts of Michael Levine and Pittsburgh Pro Sports Inc. in pursuing a National Basketball Association

franchise for the City of Pittsburgh; and

BE IT FURTHER RESOLVED, that the Council wishes Pittsburgh Pro Sports Inc. much success in its endeavor and looks forward to having the NBA in Pittsburgh.

Mr. Cohen moved to approve the resolution.

Mr. Smith seconded the motion.

Which motion prevailed.

The Chair:

Thank you, members of Council, for your support of the resolution.

Gentlemen, welcome to Pittsburgh City Council Chambers today. I'm real excited about this opportunity of potentially having an NBA franchise in Pittsburgh, and I know all of you are also or you would not be here.

What professional sports has done to put this City on the map has been truly significant. And when you look at the people that follow the various sports franchises, the Pittsburgh Steelers and how they embrace the Steelers, the Penguins and the Pirates, the Pirates for over 100 years, we really know what sports has done to Pittsburgh.

I have often said that the importance of sports goes far beyond the event in terms of an economic generator and having the City of Pittsburgh name on the TV in every city in America, virtually every single day of the year. It is a promotional item, even when we don't think it's a promotional item. And it means a whole lot to the economy, the recognition, and simply this town being a Major League town.

I'm honored to have all of you here today and I have been speaking with Mr. Levine on the phone for a couple years, and I know there was an

important meeting last evening of which all of you were at, and you're in the process of putting together this coalition for the application to the NBA.

City Council is honored to present this resolution in support of that application, and we hope that you are successful in your endeavor.

Mr. Levine, I would appreciate if you would share with us some of your thoughts in regard to this proposal and introduce the people that you have with you.

Mr. Levine:

Thank you, Jack. The first thing I'd like to do is introduce the members of the organization. The first one is Charlie Fenstersheib, my good friend. He's been with me for ten years, he's a native of Pittsburgh and he left Pittsburgh to move to Florida in 1974 and he's been very instrumental in pulling all these gentlemen together with me to make this a collective effort.

The second person is Gene Robinson. He used to live in Pittsburgh and work for the federal government, a certain agency, and he was a former basketball player at Ohio State for a couple of years in the 60's.

Mr. Al Monzo has been very generous with his time, offering his facility to the company at no charge. He is a company member and he has a large stake in the outcome of this. He would like to see this happen for the City of Pittsburgh, even though at one time he was planning to build his own arena in opposition to the Civic Arena. Al is a natural fighter and he's going to help pull people together. He won't quit and I won't quit.

Chuck Williams is an international boxing referee with the World Boxing Organization and the World Boxing Association, and he was offered a chance to join any one of the

three groups in Toronto that currently have applications in to the NBA. Chuck, through Charlie's friend, Chip, has joined with us.

Doug Strong is a former All Star Safety for the Winnipeg Blue Bombers in the Canadian Football League. He is in his early 40's, he's an accountant, and he was once trying to organize a group to get a Halifax Canadian Football League Franchise.

Tony Peg, I met through friends of the family. He's from Houston, moved to Florida because of Hurricane Andrew, and he's been instrumental in helping us pull this together. Tony is the first subscriber to units in the company and he's all for this thing and he loves Pittsburgh, even though he hasn't been here but two days.

I, myself, I'm a Brooklyn native and I thought Pittsburgh was a great sports town, and I still do. And I think it would support an NBA franchise if given the opportunity.

The few notes I have about Pittsburgh which is heartfelt is that Pittsburgh is a great American city with great sports fans. It's the 17th largest market in the USA and the fans support their teams in good and bad economic times.

Through this effort, assuming we do get an NBA franchise which I believe we will, we will become a complete Major League City and it will generate at least \$50 million plus into the local economy through direct and indirect spending. I have a standing invitation to come to the National Basketball Association to make application to the League.

In the organization already are people who are doctors and lawyers and ordinary working folk who have already pledged to take units in the company. So, at this particular point we probably have 30 or 40 units subscribed to.

I'll be making application on behalf of the company and the City of Pittsburgh to the NBA October 15, 1993. It's going to be a people's team because it's going to be publicly owned. And when we raise this money privately which is a small amount of money, Wall Street is going to come up with \$75 million. So it's going to be the first publicly-owned team, besides the Boston Celtics, in the National Basketball Association.

At this time, I'd like to introduce my good friend, Charlie Fenstersheib, who is the President of this organization. He probably has few words to say, too. Thank you.

Mr. Fenstersheib:

When you follow Mike Levine, there's really not too much to say.

My family has been in Pittsburgh since the early 1900's. My brothers and I sold newspapers here many years ago. We had the largest route for the Pittsburgh Press. We go back many years. We were raised in Oakland and I attended many games at Forbes Field. In fact, recently I had the occasion to bring my grandsons to the Baseball Hall of Fame in Cooperstown. If any of you have been there, you know what they have and it was nice to see some of the old players, Honus Wagner who I used to talk to back at Forbes Field, the Weiner Brothers and, of course, Roberto Clemente and so forth. We used to go to many of the basketball games and football games. I used to sell football pennants back in 1938 when Pitt had the Dream Backfield. I since attended Pitt and Duquesne University Law School for a short period.

So, we're happy to be back here and we know a lot of our old friends here. We've always been told that we couldn't do something. We're here to try to prove that we can do it. And with your help, hopefully we can.

We thank you for your invitation. To Jack and Mike Brady for all their help. And, hopefully, we can pull it all together. Thank you very much.

Mr. Ferlo:

I want to thank Councilman Wagner and the others who brought this out in the public and welcome all of you here today.

I wanted to ask Mr. Levine to go back to the podium and just clarify something. You said something very interesting, that this is one of the few publicly owned teams. We've had a lot of discussion in the past about what is publicly owned in terms of city and municipal government sponsorship. I think what you're talking about is that this will be one of the few opportunities for individuals who want to personally invest and become part owner of the team. Is that what you mean by public?

Mr. Levine:

That is correct.

Mr. Ferlo:

And how would one do that?

Mr. Levine:

I have offices in North Miami Beach and we are trying to put together 400 individuals or 400 units of ownership at \$5.00 a share. That would raise us \$10 million. We're only ask the people, the units are \$25,000 or ten percent down to show good faith. There will be a note for \$22,500. That note will not be called until the League grants the franchise conditionally. As soon as they do, we will have a letter from Wall Street major underwriting firms giving us a letter of intent predicated on the conditional grant of

the franchise. So, if individual fans want to buy shares of stock, they would have to call their brokerage firms. But if there are 400 individuals in Pittsburgh, successful doctors, lawyers, accountants, engineers, ordinary working people, who can afford to put \$2,500 into the company, that money will be segregated in a private account. And the only amount of money that will really be at risk is maybe \$500 per individual. We need \$100,000 for the League, which we have. Maybe \$100,000 in working capital. If the situation goes belly up or we abort or we don't get a franchise, you have people chipping in \$100,000 four hundred ways --

Mr. Ferlo:

The capital that enables you to approach other larger investors, Wall Street you mentioned, and that will pool the financial resources.

Mr. Levine:

Right. Wall Street has already indicated if we raise anywhere from \$2 million to \$10 million, they'll come up with \$75 million.

Mr. Ferlo:

I just want to wish you well and I think it's really exciting. I think if any place can hold an NBA it should be the Pittsburgh area. I just hope it's in the City, even though my good friend Al over there wants it out in Monroeville. But I would hope it would be at the Arena or somewhere here in the City of Pittsburgh. I think it would be definitely financially successful.

Mr. Levine:

Thank you. And you're all welcome to participate as individuals if you would like to. And if you do have friends in your own associations or networks, we would be happy to

enlist the aid of anybody that wants them.

Mr. Ferlo:

The Bishop is the only one who can afford to just write a check like that.

Mr. Levine:

Mr. Robinson would like to say something if he could.

Mr. Robinson:

To further answer your question, we're in the process now of establishing a permanent office site here in the Pittsburgh area so that we'll be able to be in contact with all the residents of Allegheny County. And we want people to know that even though it's going to be Pittsburgh's team, we welcome support from all of Western Pennsylvania, Eastern Ohio and Upper West Virginia. Pittsburgh is the only city that has Major League franchises in baseball, football and hockey but does not have an NBA franchise and the time is just right.

We're going to work as hard as we can to make this thing a reality and we want all the support that we can get from you guys because we know it's not going to be easy, but we're going to do it. And one day we'll be able to say not only is Pittsburgh the City of Champions because the Steelers have won all the Superbowls, even though I'm a Browns fan, and the Penguins won back to back Stanley Cup Titles, and the Pirates have won numerous World Series Titles, we want to also win in the NBA.

Mr. O'Connor:

You know, the Arena just expanded so it's certainly ready for a Major League basketball team.

Mike, you may not remember but you have been talking about this since Alderdice 30 years ago. I remember you talking about bringing an NBA team to Pittsburgh. So you've been working on it for a long time and I wish you the best of luck.

Mr. Ricciardi:

Mr. Levine and your colleagues, I'd like to wish you the best of luck in pursuing this NBA franchise.

As Mr. O'Connor says, I'm aware that over the last several years, if not two decades, you're the only person that I'm aware of that has made application to the NBA for a franchise. So, obviously, I wish you and your colleagues the best of luck. And, obviously, as a Duquesne graduate, I especially wish you the best of luck. Thank you very much, all of you.

Mr. Levine:

All I can say is, I would like to share the thought that basketball is good for the community, good for the kids, good for the City. It's win, win, win for everybody. The money will make money. There's no risk of loss. It's completely calculated and programmed. So if people want to play, all they have to do is pay just a little for the opportunity. The League will grant the franchise to Pittsburgh.

Mr. Cohen:

One follow up question, though, for people who can't afford the kind of money that you're talking about and yet still show the kind of community support that you need for the basketball team. Would people at this point be able to send \$5 or \$10 to buy a share? Or is it still a little early for that?

Mr. Levine:

We don't want to do that but at this meeting tonight or somehow publicly we will make some kind of coupon advertisement and a general survey basis. If there were shares of stock offered to the public at 15, would you buy 10 shares, 15 shares, and they can get in line and we would be able to give that to the brokers on Wall Street and they could get the first call on it. A pledge for a commitment.

Mr. Cohen:

I would very much encourage that because I think that it would show, as I said, a great deal of community support. I think we'll all be surprised by how many people would be interested. It certainly would show the NBA.

I just want to congratulate you and your colleagues and Councilman Wagner for bringing this up. There is so much basketball going on in this town right now at every different level except for the professional level.

Mr. Levine:

We've had Maurice Stokes, Jack Twyman, Ned Twyman, Norm VanLear, Norman Nixon, my friend, so many good guys have come out of this area that would come back and want to play here if they could, but they can't. And the NBA would already be here.

I'm only here because Pittsburgh is offering me the opportunity and I'm offering the opportunity to Pittsburgh. It's just a lot of hard work. Fun, but rewarding hard work. We need people like you to come aboard.

Mr. Fenstersheib:

I just want to note for the record that we're represented locally. I know there are many,

many good law firms here. I deal with some in Florida from Pittsburgh. But the Klett, Lieber, Rooney Law Firm, Mike Lyons in particular, is representing us. We feel we're in very capable hands.

Also, one little aside. My nephew who happens to be a poor boy from Pittsburgh who went to Chicago Med School and became an Ophthalmologist is now the Team Ophthalmologist for the Chicago Bulls and the Chicago White Sox. So, we'd like to bring it to Pittsburgh just to show him.

Mr. Levine:

Al, do you want to say anything? Al is a hometown guy. He's got his pulse on this City moreso than anybody else. He tried to do a great deed.

Mr. Monzo:

Thank you, gentlemen. The only thing I wanted to remind the people of, I understand there's a lot of people watching this on television today, and they'll be concerned about investing into this thing. As Mike says, about the most they can lose is \$500 when they put up \$2,500.

Being somewhat associated with conducting a lot of sports, in owning my establishment in Monroeville, the Palace Inn, I hear people talking at the bar every day saying, "Look at that baseball player getting \$1 million. Look at that other baseball player getting \$2 million. Where are they going? Are they going to destroy sports? They're going to make it too expensive for anybody to be interested in it or go see them." I just wanted to put my two cents in to let the people know that professional basketball is the only professional sport that has a cap on how much the players can make. That's important. It's a shame that it has to go on in football and baseball, but it's destroying sports. And I think

Stern or whoever was responsible for capping this did a great move there. It gives the opportunity for new sports to be created and for them to carry on so everybody can afford to go see them. That's all I want to say.

And I want to thank you very much.

The Chair:

Thank you, gentlemen. I just want to end by thanking my colleagues for their support of this resolution and the people of Pittsburgh. And however we can get additional support on behalf of this, we certainly want to do that.

I also want to say that the Pittsburgh Steelers as an organization has done a tremendous amount for this community. The Pittsburgh Pirates historically have been a real supporter of anything and everything inside and outside of baseball in this community. And over the last couple of decades, the Pittsburgh Penguins the same.

I believe that it really has given young people alternatives and a purpose other than hanging out on the corner and the problems that we see in society today. Basketball is a participatory sport, as Councilman Cohen indicated, and is being played on every playground in the City. I can't see an NBA franchise doing anything but helping this City in a multitude of ways.

Gentlemen, we wish you success in your endeavor. The application goes in on October 15th and with the appropriate support from this community and investors, we could have an NBA franchise awarded to this City as early as the Spring of 1994.

So, again, we thank you for being here. We wish you well. And whatever I can do, I want to help you. Thank you again.

Mr. Cohen presented

No. 3136 Resolution providing for an Agreement with Rosemary E. Skovran, for acquisition by the City of Pittsburgh of property of Ms. Skovran at No. 6 Queen Street, 24th Ward, City of Pittsburgh, for the sum of \$15,000.00, and to make such other payments including those for realty transfer taxes, recording fees and other necessary and proper expenses in an amount not to exceed \$500.00, the aggregate amount of \$15,500.00 being chargeable to and payable from Code Account No. 46, Judgments.

Also,

No. 3137 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Also,

No. 3138 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Also,

No. 3139 Resolution providing for conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Also,

No. 3140 Resolution providing for conveyance by the City of Pittsburgh of certain

property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Also,

No. 3141 Resolution Repealing Resolutions, approved on various dates, authorizing the sale of properties in various Wards of the City of Pittsburgh, in accordance with Act No. 171 of 1984.

Also,

No. 3142 Resolution providing for conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Also,

No. 3143 Resolution providing for conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984, having been placed for sale to adjoining property owners for a sideyard.

Also,

No. 3144 Resolution providing for conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Also,

No. 3145 Resolution providing for conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Which were severally read and referred to the Committee on Finance.

Mr. Darkins presented

No. 3146 Resolution granting unto the Port Authority of Allegheny County, 2235 Beaver Avenue, Pittsburgh, PA 15233, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a bus passenger shelter on a portion of Ohio River Boulevard in the 27th Ward, 1st Council District of the City of Pittsburgh. This request is made by Port Authority of Allegheny County to install a bus passenger shelter.

Also,

No. 3147 Resolution unto Equitable Gas, 420 Boulevard of the Allies, Pittsburgh, PA 15219, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a concrete slab and fence on a portion of Rankin Avenue in the 27th Ward, 1st Council District of the City of Pittsburgh. This request is made by Equitable Gas to install a chain link fence around an existing 8' x 10' concrete slab.

Also,

No. 3148 Resolution authorizing the Director of the Department of Public Works to grant an encroachment permit to Elizabeth Filipiak, 1427 Transverse Avenue, Pittsburgh, PA 15210 for a fence on a portion of The Boulevard in the 29th Ward, 3rd Council District of the City of Pittsburgh. This request is made by Elizabeth Filipiak, who has been maintaining this paper street, to fence off her yard are to keep stray dogs and liter from entering her yard.

Which were severally read and referred to the Committee on Public Works.

Mr. Ferlo presented

No. 3149 Resolution approving a Conditional Use Exception under Section 993.01(a)A(8) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993, to Magee-Women's Hospital for authorization to construct a five-level, 300,000 sq. ft. Ambulatory Care Center; a three-level, 365-space parking garage; and a new entry pavillion on the campus of Magee-Women's Hospital at 300 Halket Street on property zoned "I-C" Institutional-Civic District, 14th Ward. (Council District No. 3)

Which was read and referred to the Committee on Planning, Housing and Development.

Mr. Ferlo moved to suspend Rule 8 by providing for consideration of all the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. O'Connor seconded the motion.

Which motion prevailed.

Also,

No. 3150 Resolution transferring the amount of \$7,000.00 from Code Account 10 (001008), Accounts Payable Prior Years, to Code Account 1838, (183806), Misc. Services, Department of Parks and Recreation.
--(SPONSORED BY MR. FERLO)

Which was read and referred to the Committee on Finance.

Mr. O'Connor presented

No. 3151 Resolution authorizing and directing the Mayor and the Director of Parks and Recreation to enter into a Lease and Agreement

with the Zoological Society of Pittsburgh in connection with the taking over of the zoo operations by the Zoological Society of Pittsburgh and payment by the City to the Zoological Society of Pittsburgh of an amount not to exceed \$3,550,000.00 during the term of the Lease.

Which was read and referred to the Committee on Parks and Recreation.

Mr. O'Connor moved to suspend Rule 8 by providing for consideration of all the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Darkins seconded the motion.

Which motion prevailed.

Mr. Ferlo:

What is the intent of the motion here? Just to get it to Committee for public hearing purposes?

The Chair:

Yes.

Mr. Ferlo:

And I believe you've scheduled a hearing for October 7th?

The Chair:

Tentatively.

Mr. Ferlo:

But not sooner?

The Chair:

No.

Mr. Ferlo:

I'm just concerned that we're not rushing through this so we have an opportunity to discuss it.

The Chair:

Absolutely not. The intent here is to put a motion on the floor tomorrow for a public hearing and to have the public hearing no sooner than October 7th.

Mr. Ferlo:

Thank you very much.

Mr. Onorato presented

No. 3152 Resolution providing for a warrant in favor of the Columbus Day Parade Committee in the amount of \$2,000.00 in payment for professional services rendered to Council, chargeable to and payable from Code Account 1001-1, Misc. Services, Supplies, Equipment, etc., City Council, (Index Code 100115). ---**(SPONSORED BY MR. ONORATO, MR. FERLO, MR. COHEN, MR. O'CONNOR, MR. DARKINS, MICHELLE MADOFF, MR. SMITH, MR. RICCIARDI & MR. WAGNER)**

Which was read and referred to the Committee on Finance.

Mr. Onorato moved to suspend Rule 8 by providing for consideration of all the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Ferlo seconded the motion.

Which motion prevailed.

Also,

No. 3153 Resolution that the Director of the Department of Public Safety and the Chief of Police are hereby authorized and directed to, within ten (10) days of final passage of this Resolution, research and study bicycle patrol units throughout the nation and develop a bicycle patrol unit for Pittsburgh. ---**(SPONSORED BY MR. ONORATO)**

Which was read and referred to the Committee on Public Safety.

The Chair presented

No. 3154 Communication from Ben Hayllar, Director, Department of Finance, submitting a report of securities pledged as collateral by City Depositories as of July 1993.

Which was read, received and filed.

REPORTS OF COMMITTEES

Mr. Cohen presented

Bill No. 3155

Report of the Committee on Finance for September 8, 1993 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3065

A Resolution entitled, "Resolution providing for

the issuance of a warrant in favor of Public Strategies, Inc., One Bigelow Square, Suite 616, Pittsburgh, PA 15219, in the amount of \$1,600.00 in payment for professional consulting services rendered to Councilman Eugene Ricciardi for the month of August, 1993."

---**(SPONSORED BY MR. RICCIARDI)**

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen

Mr. Darkins

Mr. Ferlo

Mr. O'Connor

Mr. Onorato

Mr. Ricciardi

Mr. Smith

AYES 7

NOES 1

(MR. WAGNER VOTING NO)

And there being two-thirds of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3092

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of C. Megan Hughes, 1229 Denniston Avenue, Pittsburgh, PA 15217, in the amount of \$387.75 in payment for professional consulting services rendered to Councilman Dan Cohen for the month of August,

1993." ---**(SPONSORED BY MR. COHEN)**

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3121

A Resolution entitled, "Resolution providing City Council to retain its own attorney."

---**(SPONSORED BY MR. ONORATO & MR. RICCIARDI)**

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3124

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Greater North Side Athletic Association, 117 East Jefferson Street, Pittsburgh, PA 15212, in the amount of \$1,000.00 in payment for professional services rendered to Councilman Smith."

---**(SPONSORED BY MR. SMITH)**

Which was read.

Also,

Bill No. 3125

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Perry Hilltop Citizens' Council, 2107 Perrysville Avenue, Pittsburgh, PA 15214, in the amount of \$250.00 in payment for professional services rendered to Councilman Smith."

---**(SPONSORED BY MR. SMITH)**

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bills passed finally.

Mr. Darkins presented

Bill No. 3156

Report of the Committee on Public Works for September 8, 1993 transmitting one ordinance to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2899

An Ordinance entitled, "An Ordinance amending and supplementing the Pittsburgh Code, Title Six - Conduct, Article I - Regulated Rights and Actions, Chapter 619 - Refuse Collection and Recycling, by deleting 'Department of Environmental Services' and inserting

'Department of Public Works' throughout Chapter 619 in its entirety and by supplementing Section 619.02, Municipal Waste to be Collected by City, by providing refuse pickup after the Fourth of July holiday."

---(SPONSORED BY MR. WAGNER)
(AS AMENDED IN COMMITTEE)

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
Mr. Onorato	(Pres't)

AYES 7 NOES 1

(MR. DARKINS VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Onorato presented

Bill No. 3157

Report of the Committee on Public Safety for September 8, 1993 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3123

A Resolution entitled, "Resolution that the Directors of the Departments of Public Safety, General Services and Finance are hereby authorized and directed to, within ten (10) days of final passage of this Resolution, begin to perform research and analysis with respect to the preponderance of offensive weapons in the City-County Building." --(SPONSORED BY MR. RICCIARDI)

Which was read:

Mr. Ricciardi:

I'd just like to thank all of my colleagues for your support and input into this bill. This will give us an opportunity to really question the safety and security of this building in order to protect the 3,000 employees and visitors and jurors and what not.

Also, we know we're on the right track because it has come to my information that our Public Safety officials are now in the process of security our Public Safety Building in order to protect the individuals at that building at a cost that is unknown now. However, it will include metal detectors and increased police protection, and also in terms of an outside security firm. So thank you very much.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

MOTIONS AND RESOLUTIONS

Mr. O'Connor:

Just briefly, I know we have a post agenda tomorrow but it was a little over a year ago that I came to Council and the Mayor's Office with the idea to 88 beat cops, in every neighborhood in the City. With Council's support we are doing that. We took some CD funding and we are up to over 50 police officers in the neighborhoods right now, and continuing to grow.

I know Council disagrees on a lot of issues. In fact, our loitering bill, we just attacked Public Safety. But I think we all agree that police are the number one priority in this City.

I regret that some of the funding may hurt, at least on the surface, some of the community groups.

Therefore, I must insist as of now to keep my stand that the police are still our number one priority and that we have to continue hiring and training police officers to keep our City straight. Especially after last weekend, I've never had so many complaints of outrage about the pizza delivery man being shot delivering pizza. He happened to be a father of three kids. Let alone

the two young people involved with doing it, where their problems lie is devastating to all of us too. But we cannot, under any circumstances, cut back on our police. If anything, we must grow.

I'm bringing this up before the agenda tomorrow because I hope that we all work in harmony to also try to fund not only more policemen but how we can help the Community Block Grant money. One way would be to lobby our State Senators and Congressmen to up the cap of the 15 percent. Right now this is not a time for bricks and mortar as much as it is for police officers.

Therefore, I am making a motion and I would like to send a letter to our two State Senators, Wofford and Specter, Congressman Coyne, the Secretary of HUD, and the Attorney General, Janet Reno, to attend a meeting October 1st in Council Chambers, with representatives from the Mayor's Office, to address not only the cap issue but there's something that is now available, and I'll pass it out to Councilmembers.

The federal government is doing exactly what we started one year ago. They have \$150 million available for Cops on the Beat Grant. It is exactly the initiative that this City is taking. Training, education in our neighborhoods, beat cops, and community policing. It's right up our alley. There's \$150 million and there's 2 criteria; that the population is over 150 and under 150. It's matching grants or it can be up to 75 percent of the new police officers that are on the beat.

What I am asking in this meeting is to be ready. The application for this is due October 14th and I understand we have no applied and have not done anything so far.

I talked to Mr. Turner just about an hour ago. He said this should come under Public Safety. What I'm asking to do, Councilman Onorato since he chairs that Committee, to work

with Public Safety to have that application ready before October 1st to go face to face with our elected federal officials. We put them in office, people lobbied us. I think we have to lobby them and lobby them hard, bring them into this City, and make sure we are a part of this grant.

There's only two things we need from Clinton right now: jobs and police. And I know jobs will probably be a lot longer issue. But this money is available for next year's budget. We will be sitting here January 1st struggling with a budget. In fact, now we're struggling between police and social programs and I think if we can get this grant, and a nice piece of it, we won't have that battle.

Mr. Ricciardi seconded the motion.

Mr. Ferlo:

I think Council O'Connor is right on target. We started talking about this a week ago. I think managing this City, unfortunately, requires an Administration and a Council that has to manage multiple priorities. Unfortunately, there's no debate around the priority of police. There is some discussion about whether or not the Block Grant monies which originally have been created under Congressional mandate to provide services and activities for the most disadvantaged in the City should legitimately be used to fund what some of us, at least myself in particular, felt should be funded from the Operating Budget.

I think we have to move on and get off of that now and move on to deal with the reality. The reality is two things, as Mr. O'Connor talked about today, as we started talking about last week. One is that we need some re-evaluation of the 15 percent cap. We can only get that through the interaction with the Congressional delegation and communicating to our respective U.S. Senators.

Secondly, whether or not the Clinton Administration makes real a long standing commitment, and that was the notion that they would put additional police officers on the streets throughout larger urban communities. We hope that he is sincere on that point. He hasn't been sincere on some of his other commitments, but if that is real, and there is an application to be made, we need to do that as quickly as possible.

I would just urge that often times these applications when we apply, as Council is aware, they take a resolution of Council. I would urge that we introduce even today or as quickly as next week and give the Administration a blanket approval on a resolution supporting any application that they make for any funds. Usually these applications require a formal vote of Council approving an application. We didn't do that today but I would hope that either by way of introducing a bill tomorrow or next week, because there is a time constraint here on the application of these funds, that we just give a blanket resolution approving the Administration's application of these funds for these police to support the community oriented policing program that we've initiated.

But, at the same time, and I think Mr. O'Connor shares the concern, we have an undue burden of other priorities and that is the home lock program, home security, food pantries. You name it. All kinds of social service and community based organizations who are in need of some of that funds. I think we have to just speak openly and frankly at the post agenda tomorrow and not get into a debate about whether or not police is the priority. I think we're past that. The issue is, how do we still have our cake and eat it too. How do we continue to support the policing initiative that we've launched? At the same time, we cannot turn our backs on the very real resources that these other community groups need.

So, I think hopefully that can center the discussion tomorrow rather than having an open conflict around pitting one priority against another very much needed priority.

So let's go on from here. Let's lobby aggressively to get an immediate re-evaluation of the 15 percent cap on the Block Grant. Let's immediately give the Administration an approval resolution so that they can immediately meet the deadline that Mr. O'Connor has talked about. And then third, let's just grapple realistically with the budget and talk about what kind of allocations we can make in order to fund the things that we also feel are a priority without getting into this debate around pitting one group against the other group. Thank you.

Mr. Cohen:

I want to applaud Councilman O'Connor's suggestion this morning. I think all of us are scrambling for ways to be able to do both. I certainly agree with Councilman O'Connor that the number one priority in the City right now and our number one public expenditure has to be our police officers. But, at the same time, we want to be able to provide funds for these worthy community groups throughout the City. And I think up until this morning, the two possibilities for resolving that conflict were, one, to reclassify the police under the HUD definition. And the Department of Housing and Urban Development's definition for public service funds says crime prevention. We are looking at a possibility of noting that police do a lot more than just crime prevention and maybe all of the federal monies shouldn't have to be included in that cap. So that's one possibility.

The other possibility, of course, is that this 15 percent cap on public service funds is really an arbitrary cap. It could be raised. It doesn't have to be done by the United States

Congress. It can be done by order of the Secretary of Housing and Urban Development. But, of course, that's not going to be easy either.

But Councilman O'Connor just provided us with a third possibility, and I applaud him for that. I don't know when these applications are going to be decided upon by the Justice Department, but in looking at the handout that he just distributed it says: "To be eligible, a city must develop its application in consultation with community groups and appropriate public and private agencies to include a strategy for community policing." Well, the City of Pittsburgh has already done that. We've done that and we have a very successful community policing operation now. So I would think if anybody should be eligible for this, it should be the City of Pittsburgh.

Thank you, Councilman.

Mr. Onorato:

Mr. President, I think Councilman O'Connor is right on point. He requested that I follow up, as Chairman of Public Safety. What I would like to do to follow it up because Councilman Ferlo is right, the timing involved here, that I will put together today an interim approval basically directing the Director of Public Safety to follow through on what you're suggesting today, and get all nine signatures. And let's vote on this immediately next week.

Also, what we all have to realize here is that there was a big debate over hiring that federal consultant for the City a year ago. We went back and forth. Do we need him? Do we need the individual? I think this is one time where we have to show a united front in that we want this particular individual to do something now. It's one issue, it's a big issue, and I'm sure the Administration and Council will agree on this issue.

A point that was brought up to me last week regarding the cap and the definitions. The time frame there isn't as tight as it might appear. A lot of us here realize that once we allocate the money, it's not available or distributed until next summer. So we could still go ahead forward with our plan to raise the cap or change the definition and have 12 months to discuss that issue in addition to what Councilman O'Connor is talking about here.

So, I think you're right, Councilman O'Connor. We should move immediately. The interim approval will be passed around today.

The Chair:

All in favor? Opposed?

WHICH MOTION PREVAILED.

Mr. Darkins:

On another issue. I would like to make a motion today that this Council send a letter to the Board of Assessments urging that they rescind their decision taxing the Schenley Golf Course. This position parallels the public statement of our Mayor Sophie Masloff, Commissioner Tom Foerster and Pete Flaherty. All of our Councilpeople received this from the desk of Tom Foerster to the Mayor and then to the Councilpeople.

The Schenley Golf Course is a public and private partnership dedicated to providing recreational services to the City residents. It is a not for profit venture and the Board of Assessments should recognize this fact.

So, the motion before us, Mr. President, is that we send a letter to the Board of Assessments requiring that they rescind their action taxing our golf course.

Mr. Cohen seconded the motion.

Mr. Cohen:

I sit in support of Reverend Darkins and his motion today. I think that the motion is a very appropriate one. My position on this issue is quite clear. I think that the Board of Assessors' decision was a misguided decision and has terrible precedent value that if we tax public entities like that, then the list is a long one.

I very much support his motion and congratulate him for bringing it up.

Mr. O'Connor:

I want to again thank Councilman Darkins for bringing this to our attention. I think it's very appropriate since everyone in the City and County agrees with him that they made a drastic mistake. They're sending a terrible message to not only non-profits but to residents that they may be making some serious mistakes taxing anyone in different companies, and I think they really made a mistake. It looks like they shoved it through with only three members at that meeting and I hope they rescind it very soon so that we can get on with business.

Mr. Smith:

This facility was given away before I came on board but it was my understanding that this was a public-private partnership of a non-profit entity.

What I would like to request from our Law Department is the legal standing of this entity to which we gave a lease and whether or not they would qualify under the State 501-C-3. And under the rules and regulations for exempt property, how they fit underneath that category because I think that there is either a faux pas

occurred at the Assessment Board or we were not told the whole truth and nothing but the truth as this parcel of property was transferred by lease, long-term lease.

I would like a response from the Law Department as to what the standing is, and I'm placing that as a motion.

The Chair:

We have one motion on the floor right now and I'd like to deal with that one first and then move to Councilman Smith's request.

Mr. Ferlo:

On the initial motion that Mr. Darkins read off very eloquently. This issue to me, setting aside the debate about who is running and operating the golf course, if the Administration would rescind the contract that they initiated which, to me, the way it is written is definitely taxable. There's no question in my mind based on the actions of Mr. Hayllar and others in this Administration who previous to this have lobbied for non-profits to have to pay.

If the Administration would enter into a simple lease management agreement with either CMU or J.J. Gumberg, I think it would be clear that that would not be taxable. But the way that lease is structured, I believe the Board independently acted wisely and evaluated equally. The Board is independent of the Commissioners. The Commissioners appoint that Board. That Board has a responsibility and a burden to the taxpayers, no matter who they are, be they they big guys on the block like CMU and Mr. Gumberg, or an individual property owner, to treat everybody fairly and to evaluate the nature of the financial relationship. And that's exactly what the Board initially did. They did not vote to tax. They voted that their assessment based on interpretation of the lease, based on

their legal advisors, was indeed taxable and they afford an opportunity to CMU, Gumberg, the City, for a hearing. At that point, facts and figures and the lease gets reviewed and it gets debated.

They're doing the same thing that I would hope they would do in any other instance for any other institution be they an individual property owner or anybody else. In that sense I think they acted accordingly.

I do think there's a fundamental question, as Mr. Smith raised. What is actually the nature of the lease and whether or not it should be something that is taxes, good, bad or indifferent.

So, in that respect, I wanted to note my objection to Mr. Darkins resolution. I hope they do not rescind it. I hope they go through the procedure of conducting a public hearing and evaluating exactly what the lease is. But this whole issue could be ended tomorrow if they would enter into a lease management agreement as opposed to the agreement where we basically have transferred operations.

The Chair:

How about if we deal with Mr. Darkins' motion and then put Mr. Smith's motion on the floor?

Mr. Smith:

I do not feel secure in supporting my colleague's motion that we send a letter until we have some detailed information which is undoubtedly, as Mr. Ferlo has pointed out, probably some legal ramifications as to how the deal was structured.

I would be in full support to keep this facility available to the general public and supporting a non-taxable status. But I would like to know the legal ramifications before I can vote

on sending a letter asking for rescission of a decision that already has been handed down.

The Chair:

That's understandable.

Mr. Ferlo:

My I just point something out in my earlier comments. The City took an action against the County in the operation of a County parking lot. And the point that Director Hayllar previously stated, that the County was obligated to pay taxes on that arrangement. The way the County avoided it was to enter into a leasing arrangement with a private operator, thereby avoiding a tax burden.

So, again, there's a lot of issues here that have to do with the principal of who is paying taxes based on what the nature of the activity is. And I think it's legitimate for that Board to review that. That's the only reason why I'm objecting to Reverend Darkins' proposal. And I have no deference to Councilman Smith's suggestion that we get a legal advisor. I know the Solicitor's opinion about the lease and I think she's wrong.

The Chair:

I don't think Councilman Darkins wants to hold up until we get the information that Councilman Smith has requested.

Mr. Cohen:

If the County got out of something by leasing it to a private operator, that's an entirely different situation than what we have here. This was, as all of us know, a lease to a non-profit organization. Council decided after a great deal of debate some time ago to enter into this lease agreement. I think that continuing to bring it up and trying to change that agreement is

counterproductive and, frankly, undermines the public business that we're doing here. To say that there was proper process at the Assessment Board is a joke. There was no process, there was no evaluation, and there was no hearing. So, to say that there was, I think, is a joke.

And as far as Councilman Smith's suggestion is concerned, I very much support it, even though the County Solicitor's opinion I think is a very thorough opinion, and it lays out exactly why this is not a taxable entity and exactly why, if we start taxing public non-profits, we're all going to be in a great deal of trouble.

I very much support Councilman Smith's suggestion; that is if there are any lawyers left in the City Law Department who aren't currently working on Councilman Ferlo's other law suits. If there are any lawyers left, then I think they should work on this.

The Chair:

Let's deal with the motion at hand based on Councilman Darkins' request. And then we'll get to Councilman Smith.

Mr. Ferlo:

Mr. Cohen, unfortunately, just doesn't have the facts. There is nothing unusual. The Board took an action relative to analysis of a lease that they reviewed with their attorneys to that Board. That's independent from the County Solicitor. This Administration has built its tenure on taxing non-profit relations. In fact, the YMCA case is an example. And there are hundreds of other examples, including the hospital system locally.

So, it's a question of whether or not we're creating certain arrangements because of certain individuals. And what this Council did was enter into an arrangement or an understanding that they

were leasing to CMU and to a non-profit, and I would suggest that Mr. Gumberg's relationship to this property is something much different legally than what this Council either new or attended or maybe even wants to be. And that's something that should be reviewed. I think it's legitimate.

The Chair:

Is there any further discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Ricciardi
Mr. Darkins	Mr. Smith
Mr. O'Connor	Mr. Wagner
Mr. Onorato	(Pres't)

AYES 7

NOES 1

(MR. FERLO VOTING NO)

And there being a majority of the votes of Council being in the affirmative, the motion passed finally.

Mr. Smith:

I have a motion requesting a legal opinion from the City Solicitor as to the actual structuring and qualification under state and federal statutes for the exemption of this property under the lease that we have arranged.

Mr. Cohen seconded the motion.

Mr. Onorato:

I disagree with the position Councilman Ferlo has taken here. However, a lot of us disagree on different issues and will continue to do that.

The only concern that I have in the whole process, and legally it might be correct, but I would ask if I could make a friendly amendment to Mr. Smith's request. I have a very strong concern over a single individual that sits on both the Planning Commission and the Board of Assessment. I think that perception-wise it's not good. There could be a perception of conflict of interest. And if we really want to promote the independence of both Commission and Board, that we should have separate people sitting on each one.

I would like to ask in that legal opinion if the Law Department could just review the legal nature of both Boards and is it healthy, or is it even legal, to have one person sitting on both because of potential conflicts in the future.

The Chair:

Mr. Smith, do you mind if that's part of your request?

Mr. Smith:

That is fine. I will go with it.

Mr. Cohen:

I'll second that with Mr. Onorato's amendment.

Mr. Ricciardi:

I'm going to be voting no on the friendly amendment. I believe that Mr. Onorato does have a legitimate concern; however, in no way do

I see that connected or absolutely directly related to the initial motion made by our colleague, Councilman Smith. As a matter of fact, I don't feel uncomfortable with knowing that it's two separate boards; one is City and one is County related. So, I will be voting no on the amendment.

Mr. Ferlo:

I believe there are five or six other individuals who either are on the County payroll or are in some way "County-connected" who serve on various boards, authorities and commissions. Although some would like to single out Mr. Kaufman, I'm asking the intent of the question going to the heart of City-County relationship under his boards and authorities.

The Chair:

We are not voting on an amendment to Councilman Smith's request yet because we have not passed anything. Councilman Smith has agreed to include Councilman Onorato's request as part of that motion. Is that correct?

Mr. Smith:

Yes, sir.

The Chair:

So we are voting on the motion including the request for information based on Councilman Onorato.

Is there any further discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen
Mr. Darkins
Mr. O'Connor

Mr. Onorato
Mr. Smith
Mr. Wagner
(Pres't)

AYES 6

NOES 2

(MR. FERLO AND MR. RICCIARDI VOTING
NO)

And there being a majority of the votes of
Council being in the affirmative, the motion
passed finally.

Mr. Ferlo moved to approve the Minutes of

Tuesday, July 27, 1993; Tuesday, August 3,
1993; Tuesday, August 10, 1993; and Monday,
August 16, 1993.

Mr. Smith seconded the motion.

Which motion prevailed.

Mr. Cohen moved to excuse Michelle Madoff
for absence from the meeting.

Mr. Ferlo seconded the motion.

Which motion prevailed.

And on the motion of Mr. Cohen

Council adjourned.

MUNICIPAL RECORD

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Municipal Record

ONE-HUNDRED TWENTY-SEVENTH COUNCIL

JACK WAGNER President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON-WASLER.... Asst. City Clerk

Pittsburgh, PA
Tuesday, September 21, 1993

PRESENT:

MR. COHEN	MR. ONORATO
MR. DARKINS	MR. RICCIARDI
MR. FERLO	MR. SMITH
MR. O'CONNOR	MR. WAGNER
	(Pres't)

ABSENT:

MICHELLE MADOFF

The Meeting was opened by the recitation of the Pledge of Allegiance to the Flag of the United States of America, and a moment of silent prayer for peace throughout the world.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Cohen:

Would the teachers, administrators, parents and children of Linden School please come up here?

Members of Council and people visiting here today, I'm very proud to present this resolution for the 90th Anniversary of Linden School.

Mr. Cohen presents

No. 3196 WHEREAS, Linden Elementary School, founded in 1903, is celebrating its 90th Anniversary of providing excellence in education to the children of the City of Pittsburgh; and

WHEREAS Linden Elementary School, which serves children in kindergarten through grade five, offers two special educational programs: "Communications in the Modern World", which features exciting opportunities for creative writing, drama, creative movement and the study of great literature, and an International Studies magnet program, which provides instruction in the German language; and

WHEREAS, Linden School also provides a variety of educational and recreational activities before and after the school day to enrich the lives of children with working parents; and

WHEREAS, Linden Elementary School will commemorate its 90 years of academic excellence by holding a day-long community open house that will feature noted author and historian, David McCullough, one of Linden's most distinguished alumnus at 7:30 p.m., on Wednesday, September 22, 1993.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends the teachers, staff and administration of Linden Elementary School for their lasting contribution to the children and parents of Pittsburgh; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh declares Wednesday, September 22, 1993 to be "Linden Elementary School Day" in the City of Pittsburgh.

Mr. Cohen moved to adopt the resolution.

Mr. Ferlo seconded the motion.

Which motion prevailed.

Mr. Cohen:

Thank you very much. As I said, it's a real honor to present this proclamation. Linden School has such a marvelous history and many famous alumni, including the alumnus, David McCullough who is going to be speaking tomorrow night at Linden School.

Many of you may know David McCullough because of his recent book that he wrote on Truman, but he also wrote a book about the Homestead Steel Strike. He wrote Mornings On Horseback about President Theodore Roosevelt. And he's just a very noted author and we're very honored to have him come in tomorrow evening.

Linden School has also made genuine strides in the last several years to adapt to a changing educational environment, including two important programs that they have; that is the International Studies Magnet Program focusing particularly on the German language, and also a program for creative writing and drama. So, they've gone from a great neighborhood school to a school that has broadened its base.

I want to take this opportunity to wish all of you here today, many many more years, many more than 90 years even, of service to the community.

I want to introduce the people who are here today. First of all, we have the Superintendent of the Pittsburgh Public Schools, Louise Brennen. It's a pleasure and an honor to have her today. We also have with us Vivian Wilson who is the Principal of Linden School. Bill McCabe who is the Physical Education Teacher there and Darcy Bernstein who is the Librarian.

We also have several parents with us today. Odeal Jane, Cheryl Buzzell, and Cheryl Buzzell's father is here too. We need a grandparent of Linden School, too, so please come up. We also have James and Dorothy Hannah with us here today.

And, perhaps most important, the children. Kevin, do you want to be a politician when you grow up? He said no. Kevin Ellison, Ian Buzzell, his brother Nicholas, Bridget Fisher, Eugene Adams, Onreat Jane, Kayla Lopez, Maurice Robinson, Sarah Maddich, and Erica and Simone Hannah.

Thank you all for being here today.

Louise Brennen, will you come up here so I can give this to both you and Vivian Wilson.

To both of you, congratulations on 90 years of distinguished service to the community and I wish you many, many more years of service. Congratulations.

Ms. Brennen:

President Wagner, Councilman Cohen, Councilmen Smith, Ricciardi, Onorato and O'Connor, and to the guests here today in City Council Chambers, this is quite an exciting day for all of us in the Pittsburgh schools because we have an opportunity to present children, parents, grandparents, teachers and principal from one of our outstanding elementary schools, Linden Elementary.

It may be hard to realize that this school is celebrating its 90th anniversary, so you know it has served this community well. And it continues to provide outstanding educational opportunities for all of the children and the families who attend this school from many of our neighborhoods and communities throughout the East End of the City.

We're very proud of the accomplishments of the children who have attended this school. And when you think of the many distinguished alumni who have received elementary education from Linden School, you can appreciate the quality that is provided through the Pittsburgh public schools.

I'm very proud to present to you the Principal of the school, Mrs. Vivian Wilson.

Ms. Wilson:

Thank you, Mrs. Brennen, not only for introducing me but also for your continued support to me as Principal of Linden.

To Councilman Cohen, thank you for your support. Councilman Cohen has been very modest in what his contribution to what Linden

has been. He's been very active in helping us to recruit area residents, and for that I'm very grateful.

To the other Councilmembers, thank you so much for the proclamation.

On behalf of the students, the parents, the faculty and the staff of Linden, I do accept this proclamation. I am very proud of the rich heritage that I inherited coming to Linden. I have spoken with many former Linden students, Linden alumnus, and they're all going to be with us tomorrow evening. We invite all of you, Councilmen, as well as the other guests in the auditorium, to be with us. Mr. McCullough will be speaking tomorrow night at 7:30 but the school will be open throughout the day for visitations. We'll have a special open house with refreshments beginning at 5:30 until such time as the program begins.

Thank you so much for the proclamation.

Mr. Cohen:

We also want to hear from a parent as well. Cheryl Buzzell.

Ms. Buzzell:

Good morning. I'd like to just say thank you to Mrs. Wilson and all of the staff, Mrs. Brennen, for the continued support and feeling secure in sending my children there eight hours a day and feeling wonderful about how they come back home.

I'd like to thank everyone here on behalf of the 90th celebration and enjoying it with us. Thank you and have a good day.

Student:

I think that Linden is a good school and

I'm proud to be at this school, and it serves the community great. And I like it.

The Chair:

Thank you all.

Mr. O'Connor:

Everybody is asking about the trophies and after I read the resolution I think Earl will explain it. I know all the kids, make sure when you watch tonight, find out how you can win one of these trophies for your neighborhood.

Thanks for coming down. They did a great job.

Mr. O'Connor presents

No. 3197 WHEREAS, Jeanie Stouffer, Pittsburgh resident and nurse practitioner, in conjunction with her fiancé, Earl Kearns, Duquesne Light and Johnston the Florist, has worked tirelessly to beautify a vacant lot in Hazelwood, in an effort to boost community spirit and improve the neighborhood; and

WHEREAS, that formerly empty lot is now a flower-filled "Peace on Earth" garden, lending beauty to the neighborhood, illustrating the accomplishments of dedicated individuals, and acting as an example to all neighborhoods; and

WHEREAS, Jeanie Stouffer, in co-sponsorship with Duquesne Light, Integra Bank, Johnston the Florist, State Representative Tom Murphy, the University of Pittsburgh, Pittsburgh Police, Fire and Paramedics, and the Hazelwood Development, will award one of nine trophies in August of 1994, as part of the "If You Can't Change the World, Plant a Flower" contest to encourage other Pittsburgh communities to make meaningful efforts at beautifying their

neighborhoods; and

WHEREAS, the Council of the City of Pittsburgh recognizes the importance of neighborhood beautification, and believes friendly competition will create renewed community pride in Pittsburgh neighborhoods, benefitting Pittsburgh as a whole.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh extends its best wishes and recognition to Jeanie Stouffer, Earl Kearns, Johnston the Florist, Duquesne Light, Integra Bank, State Representative Tom Murphy, the University of Pittsburgh, Pittsburgh Police, Fire and Paramedics, and Hazelwood Development for their continuing efforts to improve the quality of life of Pittsburgh residents.

Mr. O'Connor moved to adopt the resolution.

Mr. Onorato seconded the motion.

Which motion prevailed.

Mr. O'Connor:

I'll turn this over to Earl. He's done quite a job in organizing other events. I know he had the essay contest of all the public and parochial schools. We had a great event here about six or eight months ago and I think this is hopefully as big and maybe even better.

Mr. Jones:

First of all, this belongs to Jeanie Stouffer. And I'd like to have the pleasure of President Jack Wagner presenting her with her trophy from the people of Hazelwood, and her fiancé, Earl Kearns.

The Chair:

Jeanie, on behalf of the people of Hazelwood, the people of Pittsburgh, and your fiancé, congratulations.

Ms. Stouffer:

I'd just like to say a few words. I'm very proud and honored to be here being recognized by City Council. The Peace Garden, as I call it, was a tremendous amount of effort and time and, of course, patience. But it all proved to be a very worthy cause. However, all of this could not have been possible had it not been for various businesses, institutions, most specifically Duquesne Light for providing us with the ground to work in, to Integra Bank for their financial support, to Representative Tom Murphy for his community involvement, to the Pittsburgh Police, Pittsburgh Fire and Pittsburgh Paramedics for their involvement and support, to Johnston the Florist for their very generous donations, to the University of Pittsburgh for their personal support of me and my efforts and volunteerism, and, of course, to my friend and companion Earl Kearns for his thoughtful planning, his organizational skills, and his financial support.

I trust that all neighborhoods will try to get involved in this most worthy cause next year to beautify what is, I feel, the most special city, and that's the City of Pittsburgh. Thank you very much.

Mr. Jones:

What I would like to add to that is, I would like to thank Councilman O'Connor and his staff because they have supported me in every volunteer effort I have had. And the people to the left has been outstanding in the support they've given me to help others.

I'd also like to congratulate Earl Kearns who has donated so much to so many and never asked anything in return.

Following up on this contest will be a Peace On Earth Contest which they will all be involved in because they're sponsoring. There will be 27 of these trophies county-wide given to children in grades 3 through 12. There will be 27 of these trophies awarded to winners. They have to get involved with their schools to find out how to enter. Also with it, there will be 9 \$100 bonds to go along and 18 \$50 bonds. And the following year we're going to compete Allegheny County against Russia. That is already in the making and, again, all the children have to do is get involved with their schools.

I just would like to thank all the people that have been involved with me because without these people this wouldn't have been possible because I'm only one person. Sometimes if you think people don't care about people, here's living proof. Thank you very much.

Mr. O'Connor:

Thanks a lot for coming.

Mr. Ricciardi:

On that note, I'd like to mention that the Pittsburgh Fire Fighters and the Pittsburgh Fraternal Order of Police and the Paramedics need to be commended also for their activity in this fine event.

Mr. O'Connor:

Joe King, please stay here. And the Firefighters from Engine Company No. 13 please come up. Chief Dickinson is with us.

I'm very, very proud to make this resolution.

Mr. O'Connor presents

No. 3198 WHEREAS, on August 6, 1994, the members of Engine and Truck Company No. 13 reported to a fire on East Elizabeth Street in Hazelwood, and underwent a grueling task of search and rescue, saving the life of the unconscious, blind occupant; and

WHEREAS, under the command of Acting Captain John Wright of Engine Company No. 13, the firefighters assigned to No. 13 Engine and Truck acted with unselfish devotion to duty and exemplary attention to detail, in accordance with the consistently high quality of their work and characters; and

WHEREAS, the firefighters of the pumper crew were:

Acting Captain John J. Wright
Roy McDonald
Ron Bodnar

and the members of the truck crew were:

Lieutenant Jim Buchanan
Lieutenant Mike Cornyn
Mike Kelly
Joe Hoffman,

exemplify a firefighting team of the highest caliber, and have been so commended by their Battalion Chief and the Fire Chief.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh recognizes the invaluable role that the Pittsburgh Fire Department plays in keeping the City's property and citizens safe from harm, and commends the crew of Engine and Truck No. 13 for their continued exemplary performance on the job.

Mr. O'Connor moved to adopt the resolution.

Mr. Ricciardi seconded the motion.

Which motion prevailed.

Mr. O'Connor:

Many times we take it for granted, and I've lived in the City all my life, but not until I really got in to public office did we here, and I've gotten a few calls on fires and people actually complaining about the City, about the taxes, this and that. But when they need our firefighters, they're really glad they're there and really respect them. Hopefully nobody ever needs them. I think the Chief said that many times. We hate to get called out but when we do we're very happy and pleased to have the most outstanding fire company in the country, probably the world.

I know there are many many acts like this all over the City and I just wanted to personally point out this one because I think it was an outstanding job that they did.

Chief Dickinson, will you please come up and then you can have a few comments for the men?

Chief Dickinson:

I thought about how I could explain what occurred that night without spending a lot of time, and what I was reminded of, being Tuesday, is this weekend's events with sports.

What we have here, though, is the real team. The real varsity. The real pros. This wasn't a game that night. This was real life. And if you wrote a story, this is the story you would write about because the ending is wonderful. If you wrote a story as a firefighter about who you wanted to rescue, wouldn't you want to rescue a lady? Wouldn't you really want to rescue

someone who was blind and desperately needed your help? Wouldn't you really want to rescue someone who was unconscious? That's what occurred that night.

So, I could separate them so you can understand their responsibilities, if the ladder truck people will get together, and the engine company, I know everybody is not here, but the ladder truck company which seems to be outweighing the engine company --

Two companies arrived quickly that night for that call on East Elizabeth Street. The engine company's work at a fire is to stretch line, provide what we call fire attack, to contain and extinguish the fire. While that's going on, ladder truck company, which is these four gentlemen over here, is required to do some other things. We call it search and rescue. That's number one on our priority wherever we go. And then also ventilation work and ladder work.

You can't describe until you've experienced it yourself the chaos when a fire occurs in a building, how frightening it is to the occupants. What's more disconcerting, though, is when you are one of these gentlemen and you arrive at that scene and you are being informed that there are people inside. You can't imagine what that does to you inside, the adrenaline.

There always has to be someone who actually finds that person. In this instance, it was Firefighter Kelly, who I hope we're going to be able to have say a few words for us today.

What it really takes, though, is teamwork. If you think athletes in sports practice team work, then you haven't watched a fire department in the street who are really excellent. And that's what I'm proud to represent today. The best of the best. And I can't tell you how pleased I am that Council would take the time, through Councilman O'Connor and President Wagner, to honor these

gentlemen because that night was the best that we have to offer and they're here for their accolades today. Thank you.

Mr. O'Connor:

Captain Wright, come on up and say a few words.

Lieutenant Wright:

I'm a Lieutenant, not a Captain. I was just Acting that night.

I'd just like to thank Councilman O'Connor and the rest of Council for having us here this evening. I'd like to thank Chief Dickinson because he was just notified this morning and he made an effort to get over here. And I'd like to thank Joseph King, our Union President, who helps make our firefighting efforts effective over the years. Thank you.

Mr. King:

Good morning. I want to keep my speech as brief as possible.

It is, again, a distinct pleasure to represent well over 900 professional firefighters in the City of Pittsburgh. These gentlemen you have before you this morning simplify what dignity in our profession is all about. They simplify the discipline, the professionalism, that reflect on all the professional firefighters in the City of Pittsburgh.

I would be remiss if I wasn't to thank City Council, Councilman Robert O'Connor, Jack Wagner as President, but also the community group. Without the continuing support of the Hazelwood community and the efforts and concerns that they show for firefighters, we do indeed in every community in the City force ourselves into harm's way, not only because of

the community involvement and the recognition we rightfully deserve on a lot of these occasions. It's something we're very proud of.

I want to say thank you on behalf of all of my members. And again thank you for the recognition and the continuing support.

Mr. Kelly:

I just want to thank all the Councilmembers for noticing us on that night. And I just want to say that I didn't do anything that any other firefighter in Pittsburgh wouldn't have done.

I just want to tell you that I'm very proud to be a firefighter and I'm doubly proud to be a firefighter for Local No. 1. I think we rank up there with the best and I'm proud to be with Joe King and the rest of the firefighters. Thank you.

Mr. O'Connor:

Mike, we're honored and very proud to have all of you as our firefighters and we can all sleep safer knowing that you people are on the job. Thank you very much for all you do for us.

Mr. Smith:

I had the honor and the privilege to watch a firefighter demonstration at their graduation ceremony a couple of weeks ago and I think that the general public should be very proud of the program they're put through. We have brought on young men who are willing to dedicate themselves. It's tough having a job that any day that bell goes off, your life is on the line. And I'd like to say from the residents of the City, thank you very much for being there at those times we need you.

Mr. Ricciardi:

Mr. President and colleagues, at this time I'd like to ask our honored guests if they could please come forward. Our Pastor Father John Waschak. Also, a member of the Parish Council, Serge Daniels. We also have in attendance today Father Waschak's daughter Lorissa Anthony who is in the audience with us.

I'm very proud and honored to read this resolution today commending one of our ethnic churches in the South Side for 50 years of spiritual growth and recognition throughout the entire City of Pittsburgh.

Mr. Ricciardi presents

No. 3199 WHEREAS, on December 19, 1942, a small group of Russian Orthodox people gathered for the purpose of organizing a parish on the South Side of Pittsburgh; and

WHEREAS, in January of 1943, the present church and parish home located at 103 and 105 South 19th Street were purchased; and

WHEREAS, on March 14, 1943, the first Divine Liturgy was celebrated at the new Holy Assumption of St. Mary Orthodox Church. Several weeks later, the first Pastor, Father Seraphim Oblivantseff, was appointed. Father Oblivantseff presided over the growth and welfare of the parish until his death on December 13, 1954; and

WHEREAS, on March 9, 1955, Father John Waschak was appointed to the pastorate of the Holy Assumption of St. Mary Orthodox Church. The work of continuous improvements to the church and parish house and service to the congregation and to the South Side community have continued under his leadership; and

WHEREAS, on Sunday, September 26,

1993, the parish of Holy Assumption of St. Mary Orthodox Church will celebrate the 50th Anniversary of its founding.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh congratulates Holy Assumption of St. Mary Orthodox Church on 50 years of service to its parishioners and to the people of the South Side and hereby declares Sunday, September 26, 1993 as "Holy Assumption of St. Mary Orthodox Church Day" in the City of Pittsburgh.

Mr. Ricciardi moved to adopt the resolution.

Mr. O'Connor seconded the motion.

Which motion prevailed.

Mr. Ricciardi:

Today I'm very honored and proud to present this resolution in recognition of the Church, but also in recognition of one of the fine men of the South Side, and that's Father John Waschak. Father is known by many of you including my colleague, Jim Ferlo, and is really known for his sincere leadership on the South Side. He's very kind, he's very generous, and he does it in a very sincere way. Sometimes people look at Father and say he's a very quiet man. But in that quiet is a lot of peace and a lot of strength. He's someone that I've known all my life from the South Side and I think anyone growing up in the South Side, either in the 50's or 60's or 70's or 80's, and especially today in the 90's, know Father John Waschak of the South Side.

At this time I would like to present this resolution to Father John Waschak and ask Father John to say a few words followed by Serge Daniels who is a resident of Mount Lebanon and, as I stated earlier, serves on the Parish Council for our Church in the South Side.

Father Waschak:

Mr. Chairman, Members of the Council, I am deeply moved by your recognition. And after all the years that I have been in the South Side, I think I know my parishioners very well and I'm sure that they appreciate and thank you very kindly for the recognition that you have given us. Thank you and God bless you.

Mr. Daniels:

Councilman Ricciardi, thank you and Council of the City of Pittsburgh. On behalf of the Parish Council and the parishioners of Holy Assumption of St. Mary's Orthodox Church on the South Side, we thank you for this recognition this day.

On Sunday we will commemorate our 50th Anniversary on the South Side. This is a milestone and we are very pleased that the City is recognizing us in this way. We hope to continue to be an Orthodox Witness for many more years in the City of Pittsburgh. I thank you.

Mr. Ricciardi:

Just in closing on a light note, Father Waschak and I were part of a 10 P.M. Club and that was a club that met at one of our local stores in order to pick up the Bulldog Edition of the Pittsburgh Post Gazette about 10 or 12 of us.

Father, do you miss that evening meeting?

Father Waschak:

Always.

Mr. Ricciardi:

My wife always wondered where I was at and I'm sure Father Waschak's wife also

wondered where he was going every evening at 10 p.m.

But, again, thank you, colleagues, for this recognition. Thank you very much.

Mr. Darkins presents

No. 3200 WHEREAS, on September 17, 1993, WCXJ Radio will participate in the entertaining gospel performance taking place at the Fulton Theatre in Downtown Pittsburgh; and

WHEREAS, this uplifting event titled "I Need A Man" stars Alyson Williams, Cheryl "Pepsi" Riley, Roy Fegan, Lenny, Reverend Derrick Brinkley and David Peaston; and

WHEREAS, the community is urged to support this event throughout its run of September 16, 1993 through September 19, 1993.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh welcomes the outstanding team who brings to this City such a wonderful, heartfilled performance and extends our support for their continued success; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh declares September 17, 1993 as "WCXJ I Need A Man Night" in the City of Pittsburgh.

Mr. Darkins moved to adopt the resolution.

Mr. Ferlo seconded the motion.

Which motion prevailed.

Mr. Cohen presented

No. 3161 Resolution transferring the sum of \$2,403,794 from Code Account 45,

Health Insurance Municipal Employees to Code Account 58, Municipal Pension Fund-Old.

Also,

No. 3162 Resolution authorizing and directing the Mayor to enter into an Agreement or Agreements for project coordination services in connection with the City's Operation Weed and Seed Program, in a total amount not to exceed \$44,500.00.

Which were read and referred to the Committee on Finance.

Mr. Cohen moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. O'Connor seconded the motion.

Which motion prevailed.

Also,

No. 3163 Resolution providing for the issuance of a \$1,500.00 warrant in favor of Joseph J. Zima in settlement of claim for vehicle damage.

Which was read and referred to the Committee on Finance.

Mr. Ferlo presented

No. 3164 Resolution providing for a Cooperation Agreement or Agreements with the Housing Authority of the City of Pittsburgh for the administration and implementation of the 'Community and Social Services Programs in Public Housing Communities' and the 'Rehabilitation and Modernization of Housing for Low and Moderate Income Persons' at a cost

not to exceed \$1,154,000.

Also,

No. 3165 Resolution approving execution of a Contract for Disposition by sale of Land by and between the URA of Pittsburgh and Manchester Citizens Corporation for the sale of properties in the City of Pittsburgh (REHABILITATION).

Also,

No. 3166 Resolution approving execution of a Contract for Disposition by sale of Land by and between the URA of Pittsburgh and Homewood-Brushton Revitalization and Development Corporation for the sale of properties in the City of Pittsburgh (REHABILITATION/SIDEYARD).

Also,

No. 3167 Resolution approving execution of a Contract for Disposition by sale of Land by and between the URA of Pittsburgh and Bloomfield-Garfield Corporation for the sale of properties in the City of Pittsburgh (REHABILITATION).

Also,

No. 3168 Resolution approving execution of a Contract for Disposition by sale of Land by and between the URA of Pittsburgh and AHI Development, Inc. for the sale of properties in the City of Pittsburgh (REHABILITATION/SIDEYARD).

Which were severally read and referred to the Committee on Planning, Housing and Development.

Mr. O'Connor presented

No. 3169 Resolution transferring the amount of \$37,000.00 from Code Account 1804-3 Schenley Park Golf Course Trust Fund Transfer, Index Code 180430 to Code Account SPP, Special Parks Programs Trust Fund, Index Code 254359 in the Department of Parks and Recreation.

---(SPONSORED BY MR. O'CONNOR)

Which was read and referred to the Committee on Finance.

Also,

No. 3170 Resolution amending Res. No. 451, eff. May 7, 1993, entitled "Resolution providing for an Agreement or Agreements with Project Impact - Hazelwood for operational/administrative expenses; maintenance; purchase of equipment; and/or minor rehabilitation of neighborhood facilities for the benefit of residents of the City of Pittsburgh, at a cost not to exceed \$5,000.00, chargeable to and payable from Code Account 1103 (110304) Miscellaneous Services, Department of City Planning", so as to change the name of the contract group to the Glen Hazel Citizen's Association. --- (SPONSORED BY MR. O'CONNOR)

Which was read and referred to the Committee on Planning, Housing and Development.

Mr. O'Connor moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. Darkins seconded the motion.

Which motion prevailed.

Mr. Onorato presented

No. 3171 Resolution authorizing the transfer of \$200,000 from Code Account BBITF, Index Code 250233, Bureau of Building Inspection Trust Fund, Department of Public Safety, to Code Account 45, Index Code 004507, Health Insurance, Municipal Employees, Department of Finance.

Also,

No. 3172 Resolution authorizing the transfer of \$200,000.00 from the Emergency Medical Services Reimbursed Events Trust Fund (EMSRETF), Index Code 251819 to the Emergency Medical Services Trust Fund (EMSTF), Index Code 251785 for reimbursement of Special Event Wages paid from EMSTF.

Also,

No. 3173 Resolution authorizing the transfer of \$1,200,000.00 from Code Account 45, Index Code 004507, Health Insurance - Municipal Employees, and \$100,000.00 from Code Account 1470-9, Index Code 147090, Workers Compensation, for a total of \$1,300,000.00 to Code Account 1461-1, Index Code 146118, Premium Pay, Bureau of Fire, Department of Public Safety.

Which were severally read and referred to the Committee on Finance.

Mr. Ricciardi presented

No. 3174 Resolution providing for the issuance of a warrant in favor of CSX Railroad in the amount of \$8,141.76 in payment of railroad flagging services required for the Rehabilitation of the Schenley Park Bridge over Boundary Street project; and providing for the payment of the cost thereof.

Also,

No. 3175 Resolution transferring \$7,500.00 from Code Account 1494, Materials, Index Code #149401, to Code Account 1496, Equipment, Index Code #149609, both accounts within the Department of Engineering & Construction.

Also,

No. 3176 Resolution transferring \$35,000.00 from Code Account 1100, Miscellaneous Services, Index Code #110007, Department of Personnel and Civil Service, to Code Account 1490-9, Worker's Compensation, Index Code #149096, Department of Engineering and Construction.

Also,

No. 3177 Resolution transferring the amount of \$2,084.79 from the Frick Park Nature Center Trust Fund (FPNCTF), (252254), to the Public Safety Training Account Trust Fund (PSTATF), (253450). --(SPONSORED BY MR. RICCIARDI)

Also,

No. 3178 Resolution transferring the amount of \$5,000.00 from the Property Tax Reduction Trust Fund (PTRTF), (253682), to the Public Safety Training Account Trust Fund (PSTATF), (253450). --(SPONSORED BY MR. RICCIARDI)

Which were severally read and referred to the Committee on Finance.

Also,

No. 3179 Resolution providing for the filing of an application or applications by the City

of Pittsburgh with the Commonwealth of Pennsylvania, Department of Community Affairs, for a grant in connection with the Rehabilitation of South Side Riverfront Park Project; providing for the execution of a Grant contract and for the filing of requisitions and other data; approving the Rehabilitation; providing for required assurances; providing for the execution of payment vouchers on Letter of Credit; providing for the certification of authorized signatures; and for the deposit of funds into Unrestricted Cash.

Also,

No. 3180 Resolution amending Resolution No. 1230, effective December 2, 1992, entitled "Providing for a Contract or Contracts, or use of existing Contracts for the purchase and installation of Traffic Signals on Grant Street; providing for a Reimbursement Agreement or Agreements with the Commonwealth of Pennsylvania, Department of Transportation; and providing for the payment of the cost thereof," by amending the title to include Construction Inspection Services, and by amending Section 3 (providing for the deposit of Reimbursement).

Also,

No. 3181 Resolution adopting Official Sewage Facilities Plan for the Loendi Land Plan of Lots.

Also,

No. 3182 Resolution adopting Official Sewage Facilities Plan for the Doughboy Square Plan of Lots.

Also,

No. 3183 Resolution adopting Official Sewage Facilities Plan for the University Center,

Carnegie Mellon University.

Also,

No. 3184 Resolution adopting Official Sewage Facilities Plan for the Fox Way Commons Plan of Lots.

Also,

No. 3185 Resolution adopting Official Sewage Facilities Plan CCAC Allegheny Campus Student Service Center.

Also,

No. 3186 Resolution adopting Official Sewage Facilities Plan for SMS Office Building.

Also,

No. 3187 Resolution adopting Official Sewage Facilities Plan for Hot N' Now Restaurant.

Which were severally read and referred to the Committee on Engineering and Construction.

Mr. Smith presented

No. 3188 Resolution providing for the issuance of a warrant in favor of the Afro-American Heritage Parade Association, Inc., P.O. Box 2165, Pittsburgh, PA 15230-2165, the amount of \$2,000.00 in payment for professional services rendered to Council, chargeable to and payable from Code Account 1001-1, City Council. --(SPONSORED BY MR. SMITH, MR. COHEN, MR. DARKINS, MR. FERLO, MICHELLE MADOFF, MR. O'CONNOR, MR. ONORATO, MR. RICCIARDI & MR. WAGNER)

Also,

No. 3189 Resolution providing for the issuance of a warrant in the amount of \$6,559.64 without previous authority of law, to Environmental Research and Development Corporation, Margaret L. Neveling, C.F.O. for the furnishing and delivery of the Federal emission test for City of Pittsburgh converted natural gas vehicles.

Also,

No. 3190 Resolution providing for the issuance of a warrant in amount not to exceed \$65,000.00 without previous authority of law, for payment to American Asbestos Control Company, John Palinsky, Service Manager, for the labor, supplies and equipment to decontaminate ceiling tile and duct work at the former West Penn AAA Building.

Which were severally read and referred to the Committee on Finance.

Mr. Smith moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. Ferlo seconded the motion.

Which motion prevailed.

Also,

No. 3191 Resolution providing for the execution of a concession agreement executed jointly with the County of Allegheny and the City of Pittsburgh for the operation of a concession stand located in the lobby of the City-County Building.

Which was read and referred to the Committee on General Services.

UNFINISHED BUSINESS

Mr. Ferlo:

Mr. President, if we could get a copy of the lease agreements and the requests for proposal that was put out on the Hot Dog Shop dispute. Thank you.

The Chair:

Is that bill on the agenda tomorrow?

Mr. Ferlo:

I believe Mr. Smith introduce it for next week.

Mr. Smith:

It's for next week. And, Mr. Ferlo, we will make sure that every Councilperson receives the packet.

Mr. Ferlo:

I know with you as Chairman that's going to happen.

REPORTS OF COMMITTEES

Mr. Cohen presented

Bill No. 3192

Report of the Committee on Finance for September 15, 1993 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3093

A Resolution entitled, "Resolution providing for the issuance of a \$1,000.00 warrant in favor of Raymond V. and Carolyn V. Schmitt in settlement of claim for automobile damage."

Which was read.

Also,

Bill No. 3094

A Resolution entitled, "Resolution providing for the issuance of a \$1,548.10 warrant in favor of Hertz Equipment Rental Corporation in settlement of claim for vehicle damage."

Which was read.

Also,

Bill No. 3096

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Injury Prevention Works, 205 Elm Street, Pittsburgh, PA 15218, in the amount of \$600.00 in payment for professional services rendered to Councilman Cohen in connection with the preparation of the Pittsburgh playground safety ordinance."
---(SPONSORED BY MR. COHEN)

Which was read.

Also,

Bill No. 3097

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Pittsburgh Housing Now, Urban League of Pittsburgh, One Smithfield Street, Pittsburgh, PA 15222-2222, in the amount of \$2,000.00 in payment for the rental of two buses for the March on Washington

scheduled for August 28, 1993, chargeable to and payable from Code Account 1001-1, Miscellaneous Services, Supplies and Equipment, City Council, Index Code 100115."
---(SPONSORED BY MR. DARKINS)

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
Mr. Onorato	(Pres't)

AYES 7

NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 3114

A Resolution entitled, "Resolution Repealing Resolution No. 1287, approved December 18, 1992, effective December 18, 1992, entitled 'Providing for the transfer of an aggregate amount of \$455,000.00 from various Code Accounts, Department of Water to Code Account No. 1926, Index Code No. 192609, Municipal Obligations for Non-City Water, Department of Water'."

Which was read.

Also,

Bill No. 3115

A Resolution entitled, "Resolution providing for the transfer of funds totalling in the aggregate amount of \$100,000.00 from the following Code Accounts: Code Account 1922, (192203), Miscellaneous Services, Administration, Department of Water, \$65,000.00, and Code Account 1972, (197202), Miscellaneous Services, Purification and Pumping, Department of Water, \$35,000.00 to Code Account 1132-2, (113225), Telephone Services and Equipment, Department of General Services."

Which was read.

Also,

Bill No. 3116

A Resolution entitled, "Resolution providing for the transfer of funds totalling \$19,000.00 from Code Account 1922, (192203), Miscellaneous Services, Department of Water to Code Account 1132-5, (113258), Radio Improvements, Department of General Services."

Which was read.

Also,

Bill No. 3117

A Resolution entitled, "Resolution providing for the transfer of \$215,000.00 from Code Account 1977, Index Code 197707, Utilities, Department of Water, to Code Account 1132-7, Index Code 113274, Utilities, Department of General Services."

Which was read.

Also,

Bill No. 3118

A Resolution entitled, "Resolution providing for the transfer of funds totalling \$380,000.00 from Code Account 1922, (192203), Miscellaneous Services, Department of Water to Code Account 1154-1, (115410), Rental of Motorized Equipment, Department of General Services."

Which was read.

Also,

Bill No. 3119

A Resolution entitled, "Resolution providing for the transfer of funds totalling \$30,000.00 from Code Account 1922, (192203), Miscellaneous Services, Department of Water to various Code Accounts as follows: Code Account 1921 (192104), Premium Pay, Administration, \$10,000.00 and Code Account 1971, (197103), Premium Pay, Purification and Pumping, \$20,000.00, Department of Water."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen

Mr. Ferlo

Mr. O'Connor

Mr. Ricciardi

Mr. Smith

Mr. Wagner

Mr. Onorato (Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 3120

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Scanlon Consulting & Accounting Services, 123-TA Oakville Drive, Pittsburgh, PA 15220, in the amount of \$637.50 in payment for professional services rendered to Councilman O'Connor for the month of August, 1993." ---**(SPONSORED BY MR. O'CONNOR)**

Which was read.

Also,

Bill No. 3152

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of the Columbus Day Parade Committee, 1035 East End Avenue, Pittsburgh, PA 15221, in the amount of \$2,000.00 in payment for professional services rendered to Council, chargeable to and payable from Code Account 1001-1, City Council." ---**(SPONSORED BY MR. ONORATO, MR. FERLO, MR. COHEN, MR. O'CONNOR, MR. DARKINS, MICHELLE MADOFF, MR. SMITH, MR. RICCIARDI & MR. WAGNER)**

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
Mr. Onorato	(Pres't)

AYES 7 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bills passed finally.

Mr. Darkins presented

Bill No. 3193

Report of the Committee on Public Works for September 15, 1993 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3098

A Resolution entitled, "Resolution authorizing the Mayor and the Director of the Department of Public Works to execute an Agreement with the Municipality of Penn Hills and the Allegheny County Sanitary Authority consenting to the Assignment of Sewage Service Agreement among the City, the Allegheny County Sanitary Authority and the Municipality of Penn Hills."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen
Mr. O'Connor

Mr. Smith
Mr. Wagner
(Pres't)

AYES 4

NOES 3

VOTING NO:

Mr. Ferlo
Mr. Onorato

Mr. Ricciardi

And a majority of the votes of Council not being in the affirmative, the bill was tabled.

Also,

Bill No. 3099

A Resolution entitled, "Resolution granting unto Michael Grabowski, 960 Norwich Avenue, Pittsburgh, Pennsylvania 15226, his successors and assigns, the privilege and license to construct, maintain and use at his own cost and expense, a fence on a portion of Norwich Avenue and Queensboro Avenue in the 19th Ward, 4th Council District of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3100

A Resolution entitled, "Resolution granting unto Boulevard Building, Inc., 401 Bingham Street, Pittsburgh, Pennsylvania 15203, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a concrete handicap ramp in the right-of-way of Stevenson Street in the 1st Ward, 6th Council District of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3102

A Resolution entitled, "Resolution changing the name of McPherson Street which is located between Fifth Avenue and North Homewood Avenue in the 14th Ward, 9th Voting District of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3103

A Resolution entitled, "Resolution changing the name of Terra Way which is located between Hobart Street and Covode Street in the 14th Ward, 5th Voting District of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3104

A Resolution entitled, "Resolution changing the name of Flach Street which is located between Spring Street and Topeka Street in the 16th Ward, 3rd Voting District of the City of Pittsburgh."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
Mr. Onorato	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Ferlo presented

Bill No. 3194

Report of the Committee on Planning, Housing and Development for September 15, 1993 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2733

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to act as agent for the City of Pittsburgh to enter into agreement of sale to acquire title in fee simple to certain lot or piece of ground in the 1st Ward of the City of Pittsburgh

for public use ancillary to the construction and use of the public safety complex for streets, court house, jail etc. and authorizing payment therefore and other necessary or incidental expenses relating thereto."

Which was read.

Mr. Smith:

On Bill 2733, I would like to have my comments from the four meetings that we actually discussed this bill.

I still feel that this is an inappropriate amount of money and I will be voting against this.

I understand the need and the necessity to move forward so that we can actually use the construction time, but I must tell you that we have heard different versions of why this property is valued at what it is over the four successive meetings. I find that inappropriate to give this Council different versions of why it's assessed at the amount that it is and why we are purchasing it at that price.

I cannot support the bill for the price. I would, if the price were some sort of a compromise, support the purchase of it because of the need of it. But I would like this to be at least my message to all departments and agencies that are spending the taxpayers' money that the truth should always be first, that anything presented here should be totally packaged for our review and appraisal. We have actually heard that it was Downtown, property cost more. We have heard that it is a parking lot. By the way, I would like to see the taxes that have been collected on behalf of a parking lot that is under there since we have, I believe, a 26 percent parking tax. I would like to see the taxes collected off of that property. I will not support that bill today.

(REMARKS ON FOLLOWING PAGES)

(BEGINNING - MR. SMITH'S COMMENTS ON BILL NO. 2733, WEDNESDAY, JUNE 16, 1993)

Mr. Smith:

Yes. I have not been privy to this map yet so I have some questions. This is approximately 3200 square feet, it's \$60,000.00 where we just sold 3200 square feet for \$650.00. This is under a bridge. They still need egress rights from us once we purchase it.

Dir. Sciulli:

On the back of their property and not in the parcel that we are purchasing.

Mr. Smith:

For \$60,000.00 at 3200 square feet, what is the advantage? I find this extremely expensive for something that's unbuildable up under a bridge and just gives us a roadway.

Dir. Sciulli:

The advantage is that we have a development that the City and County purchased almost 14 acres that the County agreed to build a jail on and the City agreed to build a municipal courts facility and potentially an intermodal garage. The development for that project acts as an economic catalyst not only for our property but for the adjacent CSX property and potentially for the site of the old Public Safety Building. So what we're talking about here is over a multi-million dollar development project. Unfortunately where it sits, the ingress and egress of it between Second Avenue and First Avenue is very, very limited, so what we're trying to do is take advantage of the parcel of property that gives us direct access from Second Avenue to the site that we can use for the courts facility and potentially for the intermodal garage when we get the federal funding for it. And it's also not out of line for a parcel of property in Downtown, Pittsburgh.

Mr. Smith:

This isn't in Downtown, Pittsburgh.

Dir. Sciulli:

It's right next to the businesses, it's one-half block from Ross Street.

Mr. Smith:

Why didn't we purchase it in the beginning?

Dir. Sciulli:

At the time that we did we purchased 14 or 15 acres the conceptual plan was that we would situate the jail and the Public Safety Building and a certain configuration and as the development of the properties were further enhanced, it was clear that perhaps we should have another access point into the site and I think it's a good move on our part from the standpoint that the more ingress/egress we have to cite, the better our intermodal garage will be appealed to the public so that they can come in there and park and the whole economic catalyst for the CSX property that abuts on Grant Street.

Mr. Smith:

I think that the price is extremely expensive for a piece of property that is 30 feet wide. It's unbuildable --

Dir. Sciulli:

-- we're not going to build on it.

Mr. Smith:

I know.

Dir. Sciulli:

But the value to the project is much more than \$60,000.00.

Mr. Smith:

I don't understand it. I think we ought to start dealing the other way around because if we're giving away the same square feet -- why don't we sell it to the VPRC and say it's blighted and take the property? I think \$60,000.00 when they still need --

Mr. Ferlo:

-- what was it per square foot?

Mr. Smith:

Twelve bucks a square foot and that's hand math. I'm just concerned that we are buying in on a parcel on an extreme amount of money. If it has no use to them and all it is a cut through for us, I can't see \$60,000.00. I see this as a mistake and it's costing us down the road.

The Chair:

Any discussion. All those in favor signify by saying aye?
Opposed? The ayes have it.

Mr. Smith:

Opposed.

(END OF COMMENTS)

PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

(MR. SMITH'S COMMENTS ON BILL NO. 2733-Wednesday, 6/23/93)

Mr. Smith:

Thank you. I will give that you dollar later on.

I have several quick questions. Are we going to have to give ingress to Duquesne Light once we procure this piece of property?

Mr. Reginella:

No.

Mr. Smith:

In addition to the appraisal price, I would like to see what Duquesne Light was paying as their market rate on this parcel of property under the assessments and not appraisal.

Will this road be public? Will Duquesne Light be able to use it to access the other parcel that I believe is sitting behind it?

Mr. Reginella:

This is, yes, a public right-of-way which will be dedicated purely for access to the Public Safety Complex. However, it would be totally absent on my part to say that Duquesne Light could not use it if they so desire.

Mr. Smith:

Through a mistake I do not have the map that I had with me, but they still own a parcel of property and a transformer they need to access along the site.

Mr. Reginella:

I believe the property is accessible from First Avenue, in any event, the remaining portion of the property.

Mr. Smith:

I don't have my wonderful numbers. \$60,000.00 for a lot that is 3,000 square feet.

Mr. Reginella:

Roughly.

Mr. Smith:

I find that a lot, especially when it is up under a bridge,

if somebody wants to do the math.

Mr. Reginella:

It is 3270 square feet at a cost of 60,000. That is approximately a little less than 20 per square foot if you bring it down that way.

Mr. Smith:

I find that extremely expensive, where it is unbuildable, it can only be used for an access road.

I want to know what we are presently collecting in taxes, because if it is assessed at \$60,000.00 and they are paying the taxes, I say let's keep collecting the taxes.

Was this a negotiated deal? Did we go to them or did they offer it?

Mr. Reginella:

This is what I would consider fair market value based on the appraisal conducted by a competent, qualified appraiser. So again, I have to conclude that it is fair market value for that piece of property.

Mr. Smith:

Who paid them?

Mr. Reginella:

URA would have had to pay that.

Mr. Smith:

You are not sure?

Mr. Reginella:

I am positive. URA is in the process of getting the property on behalf of the city; therefore, they will have paid that fee.

Mr. Smith:

I have a major problem with paying 60,000 for a lot that doesn't even fit the City Code to build anything on. I understand the need for an access road. I think we are being gouged because originally we did not purchase this. When someone sat down to draw this, they did not say, "Let's purchase this so that we have another access road." Are we being gouged at this point because they now know that the complex and the

value of the property has gone up? Have we pulled a major faux pas in not purchasing this early on in the system?

Mr. Reginella:

Again, my response is the same. There are two things I want to say here. If, in fact -- and it is a fact -- the appraisal was conducted by a competent, qualified appraiser, I would have to conclude that this is the fair market value for such property. I understand it is under a bridge, but it is in a Downtown metro area and real estate doesn't come cheap in this area. Therefore, you know, I believe that we are not being gouged, as you suggest.

Secondly, there have been some changes to the design of the Complex and ultimately there will be an elevated roadway, if you will, a short bridge from Second Avenue to the building when the Complex develops to that stage. Presently this is a temporary additional means of ingress onto the site in addition to the existing means which are B Street, Tri Street and Gasoline Street.

Mr. Smith:

Several quick questions with your knowledge. Can I build an office building on this site if I went out and purchased this? Could Duquesne Light build an office building on this site? Can Duquesne Light build an office building on a swatch of property 30 feet wide and 100 feet deep? Does this swatch of property meet the requirements to build a private home based on our City Code?

Mr. Reginella:

These are zoning questions which I obviously can't answer.

Mr. Smith:

I can answer that: No.

I just find that for a piece of property that is not marketable to be anything other than this road, \$60,000.00 is a lot. And I would like the assessed tax rate, because Duquesne Light does have to pay an assessment.

I find it unconscionable that we are spending that kind of money on a parcel of property that had it been gotten early in the game, we probably would have paid \$5,000.00 or \$6,000.00, they would have been happy to have it and to have had a second access to their own transformer station.

I just think that this is an example of waste, once again, of bond moneys, of tax dollars. And I also know that appraisals can come in however you want it. If I am paying the guy to do the appraisal and I want to counteract something that you said, he is going to lean more towards what I want. If you are paying

him, he is going to do what you want. That is the problem in appraisals. I can get a house appraised upwards to a \$30,000.00 difference, depending upon who is doing the appraisal, which is why I asked who did it and why. And URA is still not exempt from any of the other influences that occur within our political system.

(END OF REMARKS.)

(Transcribed by: Helen L. Kriebel, Stenotype Reporter.)

(MR. SMITH'S COMMENTS ON BILL NO. 2733-Wednesday, 9/8/93)

Mr. Smith:

Yes. I asked a series of questions on June 23rd regarding this property, and I had some requests from, I believe it was Mr. Birru that was sitting at the table at the time; no, it was Mr. Reginella. And my basic thing is I went and researched the property. And the explanation -- in fact, it is titled "The Justification For Purchase Price of Second Avenue" -- does not contain a response to my requests in terms of when this property actually changed. This property was purchased for \$4,000.00 in 1954. We since subsequently put a bridge over it. It is assessed under 1993 tax records -- I am sorry, not assessed -- its fair market value is \$65,600.00. What I could not find was what date or when the last change of the fair market value assessment came through. Their taxes are presently paid for 1993. we are taking away some \$9,000.00 in annual taxes to the city by purchasing this property from them.

What I would like to have answered is when was the last time this property was reassessed for tax purposes, because my problem is are we being gouged for this parcel of property. And if we have to negotiate an easement right for Duquesne Light to come back through, I think there should be some give and take on their part for this parcel of property that is 30 feet wide and 100 feet deep and does not meet City Code to build anything on. The \$18.00 per square foot that we are paying, we are told this is less than the adjoining lot sold at \$24.00 a square foot. I just have a major problem with transferring. I would probably support a table unless someone can show me that they did not reassess this property since we began the project, which upped its value, and that this present fair market value and assessment is not something that occurred in the last couple of years as this project was going on, but they have been paying the taxes at this rate for a number of years.

The Chair:

Mr. McKenzie is here from the URA, if you would like some dialogue with him.

Mr. McKenzie:

I certainly don't know when it was assessed or reassessed. I know that the current assessment market value is higher than what they are offering to sell the property for, No. 1. No. 2, I know that this Grant Street substation that is sitting out there has been there for a number of years. The third thing, I am not even sure whether or not -- and I could be corrected on this -- the city gets taxes off this, if this property isn't part of the Public Utility Reality Tax Statute that Duquesne Light pays. This is part of the substation. Duquesne Light has

not requested, nor do they want an easement over this. It is merely purchasing a piece of property under a bridge that the highest and best use is a parking lot. It generates sufficient income to more than justify this amount to put a road in from Second Avenue to the City Courts Building, the only direct route from Second Avenue to the City Courts Building.

I don't know what else to do. If you look at this based on comparable sales, it is a bargain. If you look at it based on income derived from the parking income, it is a bargain. If you look at what the current tax assessment is on market value, it is a bargain.

Mr. Smith:

I want my answers to my questions.

Mr. McKenzie:

I don't know them.

Mr. Smith:

Then they are not going to get through this Council if no one will do the research for which people are paid to answer the questions I have. When was the last time this was assessed? I have a copy of the assessment. I have a lot of stuff. I went and did my own research. I did title transfers of each person who bought it from when to when to when. It was bought in '54 for \$4,000.00. I need to know the last time it was reassessed so that I can make an honest judgment of whether I am spending the city taxpayers' dollars in a wise manner.

I will be honest with you: The road way may be something that makes life more be convenient, but for \$60,000.00 and they get to use the road way, then I think it is unfair for a 30 by 100 swatch. A building on Court Place that is four stories high and 30 feet wide and 100 foot deep sold for \$225,000.00. Why are we paying \$60,000.00 for a vacant lot? You keep talking about comparable pieces of property, comparable areas. All I want are the answers to my questions.

I actually got the transcript from that day and I had a series of questions, and none of the correspondence that I have ever received responded to my question, nor have the packets come up with about the assessments of this property.

The Chair:

Mr. McKenzie, do you know when this property was last assessed?

Mr. McKenzie:

No, only the County Assessor's Office would know that. I

am not going to say one way or the other, but I would bet it has been assessed for the last 10, 12 years. I don't know why they would reassess it, there has been no change in use.

The Chair:

Well, we need an answer for that.

Mr. McKenzie:

It has been a substation, if you look at it, for 25 years. There have been no improvements made.

Mr. Smith:

They paid \$4,000.00 for it in 1954, and that is fine. The question I have is when did its fair market value and assessment go to \$65,000.00, and was it once we began the construction down there, because we purchased property and that changes the assessments of the surrounding communities. Is that when it occurred? And are we paying a bloated price based on the fact that we made that property valuable?

(END OF REMARKS.)

(Transcribed by: Helen L. Kriebel, Stenotype Reporter.)

(BEGINNING - MR. SMITH'S COMMENTS ON BILL NO. 2733, WEDNESDAY,
SEPTEMBER 15, 1993)

Mr. Smith:

First of all I'd like to thank Mr. McKenzie for getting his report to us in a timely manner that gave us an opportunity to review it.

I received three minutes before Council session this packet which is probably about 30 to 40 pages of which the two-minute call had been given to appear here in answer to our questions.

I'm going to keep this brief because I'm the individual who keeps stopping this payment of \$60,000.00 for a lot that is 30 feet wide and 100 feet deep. What we did find out is that there was a reassessment of this property in 1991. My quick question for someone at the table, either of you, would this lot be considered the CSX site?

Mr. McKenzie:

No.

Mr. Smith:

Is it adjacent?

Mr. McKenzie:

It is adjacent to it. It's across First Avenue.

Mr. Smith:

But it's still in the general vicinity as we were told that this lot is in a general vicinity of Downtown so therefore that increases its value; correct?

Mr. McKenzie:

Yes.

Mr. Smith:

Are both of you gentlemen aware of the City Planning Commission?

Mr. McKenzie:

Yes.

Mr. Smith:

Are you familiar with a gentleman by the name of Paul Farmer?

Mr. Reginella:

I am.

Mr. Smith:

He is a staff member for the City of Pittsburgh and I quote at a public hearing from the July 6, 1993 their public record Mr. Farmer made a presentation in accord with the attached staff report. Mr. Farmer noted that the consultants found a number of problems, he is discussing the CSX site which is why I asked, problems with the site, access problems, truck movement problems, lack of utilities, deteriorated structures, site divisions by bridge structures which is also over this lot, barriers from the parkway and no egress. Mr. Farmer stated that the property values in this area, because of the aforementioned problems have declined to approximately \$6.50 a square foot. Giving the fact that this is the City of Pittsburgh's expert discussing a site across the street and the testimony earlier was that this site because of its proximity to town had a larger value and under Mr. Farmer's calculations this property is worth \$19,985.00 as opposed to the \$60,000.00.

I will be very honest with you. I will vote no unless we can create a compromise between our city expert who says that its value should be \$19,000.00 and this mammoth packet with appraisals from individuals that says it's worth \$60,000.00. We can get an appraisal for anything we want dependent upon who's doing it; we can influence those. I would be happy to assist this new site the court complex in the City of Pittsburgh's egress and would support construction of this access road if we could renegotiate from a \$60,000.00 fee the difference between \$19,000.00 and \$60,000.00 in a compromise for this. If that is not an affordable or a mediable compromise between the parties here, I would have to vote no to have URA act as my agent spending monies to acquire this piece of property. I find it very interesting that it was reassessed in 1991 and we had already had the discussion between the County, the City, URA and that the value of this property was going up it was probably our fault for not acquiring as we do in so many other areas to save this money. I know there are going to be many logical arguments and I realize that this is actually stopping the progress at this site, I will no longer be a hindrance but I would appreciate my Councilpersons attempting to afford a compromise on this parcel of property from the price that was first submitted with two distinct quotes of the value in this area and I will actually back off of this and allow my co-workers to make the decision because I'm still very adamant about paying such a

large price for a piece of property. I cannot believe that Duquesne Light with its stable of attorneys did not challenge such an assessment on this parcel of property which they could have done very well by appealing it. I cannot believe that they actually agreed to pay based on this assessment unless they believe that such an occurrence as is now happening would occur within a year or two and accept is this assessment on their piece of property.

As we know, when you have your own attorneys and there is a reassessment of your property, it is very simple to go to the Appeals Board and appeal on a 30 by 100 swatch of land that is up under a bridge and really does not have the development ability to have it cost \$60,000.00.

These are my personal opinions. I'm not an appraiser, I'm not an attorney, I'm not a real estate agent but as an individual placed here to review and protect the interest of the citizens, I find it an exorbitant amount and I would not in any way say that there was any type of deal cut without the public knowledge. In order to not stop the project and keep things on time line as the cover letter states that we received in the packet two minutes before this session, it is imperative that they attempt to negotiate this so they begin the work on the site. I will not go down in history as the individual who ruined everyone's plans. Thank you.

(END OF COMMENTS)

PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

Mr. Ricciardi:

Mr. Perry, I requested certain information from the Department of Public Works and the Law Department concerning lease arrangements we have with Duquesne Light throughout the City of Pittsburgh, especially the ones we have for \$1.00 per year on our property. What I was trying to show there is that there is a mutual cooperation between the two.

If Mr. Smith is correct, which I believe he is, that we are paying an amount that is exorbitant, maybe we could point out to Duquesne Light that we are working with them cooperatively with other leases.

Has that information been provided to us?

Mr. Perry:

No, sir.

Mr. Ricciardi:

Thank you. And because of that reason, I also will be voting no, Mr. President, because I believe that the City of Pittsburgh has been very kind and generous to Duquesne Light and there's a reason for that. We obviously need Duquesne Light in the City of Pittsburgh, not just because of economic development but because of the commodity that they provide us. And without that information I feel that I am not able to vote in the affirmative today.

The Chair:

I don't know what the rest of Council thinks about 2733, that property of Duquesne Light Company, but I respectfully differ with my colleagues. I think that property and the purchase of it is a steal. It does not have to be sold. It is needed by the City of Pittsburgh for that

development to move forward and for us to have ample access to the development. If, for some reason, we decided we didn't need the parcel, a parcel within the central business district would sell, I believe, for twice the amount that we're paying for it. It could be used for any number of purposes including parking, and the land is much more valuable, I believe, than anyone has indicated.

Mr. O'Connor:

With respect to Mr. Smith and Mr. Ricciardi waiting for his information, I'd like to hold it one week until we get all the information before we vote in a blind. So, I move to recommit.

Mr. Onorato seconded the motion.

WHICH MOTION PREVAILED.

Also,

Bill No. 3107

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire all of the City's right, title and interest, if any, in and to the publicly-owned property in the 5th Ward of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County, as Block 10-N Lot 14, under the Residential Land Reserve Fund."

Which was read.

Also,

Bill No. 3108

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire the following properties in the City of Pittsburgh under the Residential Land

Reserve Fund, said properties having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3109

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire all of the City's right, title and interest, if any, in and to the publicly-owned property in the City of Pittsburgh under the Industrial Land Reserve Fund."

Which was read.

Also,

Bill No. 3110

A Resolution entitled, "Resolution authorizing the Urban Redevelopment of Pittsburgh to acquire all of the City's right, title and interest, if any, in and to the publicly-owned property in the 21st Ward of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County, as Block 22-B Lot 174, under the Residential Land Reserve Fund."

Which was read.

Also,

Bill No. 3111

A Resolution entitled, "Resolution approving execution of a Contract for Disposition by sale of Land by and between the Urban Redevelopment Authority of Pittsburgh and Richard J. and Lynn Pilarski for the sale of Block 3-R Lot 83, in the 17th Ward of the City of Pittsburgh

(SIDEYARD)."

Which was read.

Also,

Bill No. 3112

A Resolution entitled, "Resolution approving execution of a Contract for Disposition by sale of Land by and between the Urban Redevelopment Authority of Pittsburgh and Jackson and Martha Whetstone for the sale of properties in the City of Pittsburgh (SIDEYARD)."

Which was read.

Also,

Bill No. 3113

A Resolution entitled, "Resolution approving execution of a Contract for Disposition by sale of Land by and between the Urban Redevelopment Authority of Pittsburgh and Edward J. and Debra A. Roose for the sale of Block 22-B Lot 174 in the 21st Ward of the City of Pittsburgh (SIDEYARD)."

Which was read.

Also,

Bill No. 3149

A Resolution entitled, "Resolution approving a Conditional Use Exception under Section 993.01(a)(8) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993, to Magee-Women's Hospital for authorization to construct a five-level, 300,000 sq. ft. Ambulatory Care Center; a three-level, 365-space parking garage; and a new entry pavillion on the campus of Magee-Women's Hospital at 300 Halket Street on property zoned 'I-C' Institutional-Civic

District, 4th Ward."

Which was read.

Mr. Smith:

On Bill 3149 which is the Magee Hospital, I would ask my fellow Councilpersons' indulgence and respect that if I had a problem with this bill would they allow me to remove it from the agenda today. I have met with the interested parties, including Magee, and everyone is very content. I think this is an example of an institution that recognizes that it is a part of a community. They have met numerous times, they have hammered out an agreement that is amicable to both the community and themselves, and this is a major change for research and safer hospital facilities in the City.

I am in full support and I would ask my colleagues to vote yes on Bill 3149.

The Chair:

Is there any further discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
Mr. Onorato	(Pres't)

AYES 7

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Smith presented

Bill No. 3195

Report of the Committee on General Services for September 15, 1993 transmitting sundry resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3122

A Resolution entitled, "Resolution providing for a Contract or Contracts or the use of existing Contract or Contracts to purchase an outdoor camera system with installation for the Tow Pound and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
Mr. Onorato	(Pres't)

AYES 7

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

MOTIONS AND RESOLUTIONS

The Chair presents

No. 3201 Resolution appointing James E. Rooney, 306 Lamplighter Circle, Pittsburgh, Pennsylvania 15212, as a member of the City Planning Commission for a term to expire January, 1996. Mr. Rooney is replacing Reverend Jason A. Barr.

Which was read.

The Chair:

Is there a motion to have Mr. Rooney come in front of Council?

Mr. Cohen:

So moved.

Mr. Smith seconded the motion.

Mr. Ferlo:

Where is the coming from and what is the term?

The Chair:

It's coming from the Mayor's Office and the term expires January, 1996. And it replaces Reverend Barr's resignation.

Mr. Onorato:

Mr. President, if we could have at the table when the gentleman comes forward a list of all members and the length of their term. I think that's helpful because a lot of times we do everything in a vacuum and I'd like to see the big picture.

The Chair:

All in favor of having Mr. Rooney come in front of Council? Opposed?

WHICH MOTION PREVAILED.

Mr. Ricciardi:

Mr. Wagner and colleagues, I have become very disturbed and actually very mad with the increase of violent crime here in the City of Pittsburgh, but especially when it comes to our murder rate.

It's very interesting because, even if you follow the media and maybe some of our own comments, we tend not only to use statistics but we tend to take it away from each case, and in terms use those statistics as bench marks. For example, now in the City of Pittsburgh it's being reported that we're at 82 murders above last year's rate at 60. It's almost like a feeling that if you were below the 60 number at 59, that you're actually doing good here in the City of Pittsburgh. And next year we'll probably be using the bench mark for September at 82.

Much of the violence crime, obviously, especially the murder rate, is because of drive by shootings here in the City of Pittsburgh. In the past, drive by shootings were limited to the East End, and they continue to grow and increase not only in the East End but throughout the City of Pittsburgh. And lately, drive by shootings have become very prevalent in my district, especially three of my neighborhoods, two of my housing communities, Arlington Heights and St. Clair Village, and the Beltzhoover neighborhood. Over the weekend, I had three drive by shootings in my district. Two people died because of those drive by shootings.

The way I find out about drive by shootings is probably like most of you. I wake up

in the morning and put on the news and hear, "drive by shooting, wherever, in the City of Pittsburgh". And lately, "drive by shooting in Beltzhoover" or "drive by shooting in Arlington Heights" or "drive by shooting in St. Clair Village". It's disturbing and somewhat frustrating. It's something that I always say, how can I stop that.

Obviously, you have the bigger picture, colleagues, and the bigger picture is, why do young people, especially, or all people, get involved in gangs or get involved in drugs, or have such a disregard of human life that they could just kill someone. That obviously is a big picture, one that needs to be studied, and one that I think we do address in our own ways either through our churches or through community groups or through, for example, the Youth Advocacy Committee.

But we also have the responsibility as City Councilmembers to address the crime itself, and that is the one of drive by shootings. If you look at each individual case, the ones that I have been able to study and the ones that I have been able to gather information from, drive by shootings in the car is not just one individual driving the car, pulling up into the neighborhood, and shooting. Either shooting someone who is already involved in some crime activity, maybe selling drugs and dealing with the crime, or just shooting at random and innocent victims who are not involved in any type of gang related activity, or people just standing about, get caught in that fire.

What I'm aiming at is that in drive by shootings, usually there's someone who is driving the car and, as a lot of sociology or psychology studies show, people that are going to commit a crime are looking for peer support and there's usually three or four people in the car. In the latest ones that happened in my neighborhood, there are five people in the car.

Now, if one looks at it, the shooter themselves, can be brought forth for first degree murder. But the people in the car, it's very difficult to get them on first degree murder because a charge of conspiracy needs to be shown in the courts. And that is one charge that is very difficult to show. If conspiracy is not able to be shown, they're not able to be tried on first degree murder. As a matter of fact, there's a case pending now here in the City of Pittsburgh and the shooting occurred in the City of Pittsburgh where a person was shot and died with two people in the car, that the witnesses cannot point to the person who actually did the shooting. That means that we're having difficulty proving which person shot and both of those people can go free.

In the past, Mayor Masloff, and I commended her, put forth an eight point crime package here in the City of Pittsburgh, of which there were certain pieces of legislation including the anti-drug loitering legislation, but she targeted two other areas where she suggested we put forth legislation.

At this time, I've had an opportunity to see what our State officials are doing because we really have to realize our parameters here as City Councilmembers, and that is legislation that we can pass in relation to legislation that could be passed on the State level.

At this time I'm not asking support for this particular legislation that I'm going to talk about, or I'm not asking for a vote on it. I would not do that to my colleagues without giving you the opportunity to review the legislation. But State Senator Michael Fisher has put forth a bill, Senate Bill No. 500, dealing with drive by shootings. Obviously it would target drive by shootings here in the City of Pittsburgh. It says:

"The Vehicle Occupant's Culpability:

1) A person commits murder in the third degree if he or she is an occupant of a vehicle from which a weapon is intentionally discharged thereby killing a person.

2) The offense shall constitute attempted criminal homicide if no person is killed and the defendant shall be sentenced to a minimum sentence of at least five years of total confinement without parole, notwithstanding any other provision of the title of the statute."

The way this reads is that the maximum prison sentence of 20 years is more than double of the possible prison term which now exists under the crime laws. So it's going to be much more simpler for our District Attorney here in the City of Pittsburgh not to have to prove the conspiracy charge, again one that is more difficult to prove. But our District Attorney, under Senate Bill No. 500, the way I interpret the bill and from the limited discussions I've had with judges and criminal defense attorneys in the City of Pittsburgh, he or she, the District Attorney, will have one additional tool to use in the justice system. That is, if you were the driver or you were the occupant of the vehicle with the shooter, you now can be charged with third degree murder, up to a maximum of 20 years without parole.

That might send a message to the people who now might drive with the shooter. The shooter might be psyched up on drugs or just ready to do the act, but I think it might be more difficult now to get a driver or to get two or three people to sit in the back seat to go do the drive by shootings. You might take away the driver, or the occupants of the vehicle now who give that peer pressure support to the shooter might decide it's not worth being in the vehicle any longer.

Let me tell you that there is a down side.

The down side might be that Gene Ricciardi is in the vehicle. I'm just driving along with a friend and he pulls up and he shoots. I had no idea he was going to do that, obviously. And the criminal defense attorneys point that out. But keep in mind that this does not have to be used by the District Attorney. He can use his judgment if he wants to use third degree murder. And the case that now is pending, he can say to these two individuals, it doesn't matter. I don't have to know who the shooter is. All I know is that the shot was fired from in the car, someone died, you're both going for a third degree murder. So what I'm saying is, he might be able to use this as a tool, as a scare tactic, to finally have the people in the car to say, "I didn't do the shooting; it was so and so."

So, what I'm asking you today, if you will, please, colleagues, that we need to address the issues at hand. There is a bigger picture and the picture is that we have to save our kids out there. But, in the meantime, they're shooting. They're shooting in your district, they're shooting in my district, and I want it stopped. Not only are they targeting people that are involved in the criminal element type of activity, but innocent people are getting hit and innocent people are in the line of fire.

What I'm asking my colleagues to do is please review Senate Bill No. 500. Please talk to the District Attorney, Chief Magistrate Sue Ruffner who is an expert on criminal law, some of your own friends, some of your own attorney friends, some of our colleagues here that are attorneys on this body, Mr. Cohen and Mr. Onorato, and think about this bill. Think about our possible support for the bill. And within three to four weeks I'm going to be calling a special meeting in City Council as a post agenda for our discussion on the bill. And if there's any way you feel you could support this bill, please let me know. And if there are any drawbacks to this bill, please also let me know.

I'm in full support of this bill. I want everyone involved in that car to be punished, to be punished hard. I want the message to get out that if you're in that car, you're part of the crime. Thank you.

Mr. Ferlo:

I think I share Mr. Ricciardi's frustration as to the crisis that we're going through in this City, and I applaud him for bringing out this issue legislatively in terms of Senate Bill 500 which, as he indicated, Senator Fisher and gubernatorial candidate, Mr. Fisher, has introduced.

I also believe Mr. Fisher has introduced several other pieces of legislation, which I just received a copy of, dealing with juvenile work camps and other issues that we have discussed in this Council for the last couple of years.

I guess similar to the issue of capital punishment I don't believe, unfortunately, that passage of this bill, which I do support by the way, would necessarily mean that there would be a deterrent to those individuals riding along and participating in the crime. Unfortunately, I do not believe in the long run it would scare kids enough to actually deter them not to do that.

However, reality is that if people are prosecuted as part of that action, it does give the District Attorney another weapon to use in the war against these individuals who are involved in this kind of drug activity. And the worst that can happen is that one or more kids who are involved in that car and who may not be the shooter, would in fact be incarcerated, as Mr. Ricciardi talked about, for a long period of time.

So I support it on that basis alone and don't have any illusion about whether or not that law or even the fear of capital punishment would actually mean that somebody is not necessarily

going to commit a crime because I think we've seen a lot of studies to show that basically crime happens and murders happen independent of the fact that people are going to, at some point, face the potential of capital punishment.

But I'd be happy with taking somebody off the street for 20 years if they're 16 or 17 and they wake up as an old man when they're my age, 42 or 48, and realize they've wasted their whole life. So, for 20 years I'll buy that time and support this bill.

I think we need to broaden out this debate. We've discussed this at length in this Council. Every Councilmember has expressed the concern and spoken about the issues, but I raised the concern back when we were debating the anti-drug loitering bill. But I think there are a number of things that we have to do and I would hope that Mr. Ricciardi would be open for broadening out this discussion. We've talked about it many times but I think as a local municipal body we have to begin to start holding some of these State Legislators and the Governor folks accountable. We're going into election next year and I really think we have to politicize some issues affecting this community, especially when it comes to the issue of drive by shootings and problems faced by us from juveniles in our society.

We have continually talked about it but we still have not gotten a clear legislative mandate from the State House and the Senate in relation to how juveniles are going to be prosecuted. It makes no sense to me in this day and age, given the reality of drive by shootings and the anarchy that exists right now not only in the City but larger urban areas around this Commonwealth, that we have taken the position judicially not to prosecute juveniles who are involved with a murder weapon, most likely a gun. It makes no sense to me. As far as I'm concerned, any juvenile, I don't care if they're 12

years old, that's involved with a murder weapon, in particular a gun, we need to be able to give the discretion to the judge to try and prosecute those individuals as juveniles. So we better get over these hang ups about what constitutes youth in this society.

The fact of the matter is, we need that legislative mandate from the State Legislature. We haven't gotten it and I think we really have to start talking about these issues publicly and demanding that those who are seeking higher office really speak to the issues.

It's very frustrating, as Mr. Ricciardi talked about, to be a local Councilmember who cannot affect the State Crimes Code, who has very little impact on the judicial system, but daily sees at our neighborhood level the chaos and the anarchy that we're facing.

So, I would hope that as part of this debate we can talk about that issue and really zero in on this issue of the judicial discretion that's needed to try juveniles who are involved with a murder weapon.

Secondly, and again I said at one point that I'm not condoning any illegal, if there is any inappropriate activity regarding traffic ticket fixing or citations being called back or all that kind of stuff. But I'll tell you what. I'm not affected by that. I could care less and I'm not even concerned. I resent the fact that the FBI, the U.S. Attorney, have spent over \$1 million in a year on law enforcement activity to supposedly prosecute a judge or some individuals who may or may not be involved in some activity regarding citations and tickets.

I mean, we have people getting murdered on the streets. Not only young people who are themselves victims, but as Mr. Ricciardi pointed out, innocent bystanders who are out in a business district or out even at a church, God

knows where they are, and become the murder victim.

I resent the fact that we have a disjointed and disoriented law enforcement sense where the priority and the resources expended on that activity versus the need to single out and really zero in with all the resources at our disposal, including surveillance, investigations, buying off gang members, invading the gangs with younger police officers who could pass and who could begin to collect information. We're not doing that. And I resent the fact that with all the federal resources that we have at the disposal, their attention is directed at local judges in terms of ticket fixing, which may or may not be going on, versus, I don't have any other way to describe it other than chaos and anarchy that is going on in some of our neighborhoods. I resent it.

I think this Council should be clear and issue a clarion call that we expect the FBI and the U.S. Attorney to get real and get serious, including our own District Attorney. Why can a Grand Jury be convened for something that deals with the County procurement or traffic citations, but we haven't yet seen a Grand Jury convened to deal with drug gangs in this City? You know, we're fortunate in the City of Pittsburgh. We're not L.A. and we're not Philadelphia.

If you talk to Councilman Darkins who is on the street every day in his community, and every one of us is out in the streets, and we have friends and relatives, we know the names of kids who are involved in drive by shootings. We're not L.A. where it has become so big of a problem that they've just given up the battle. We're still at the point where we can collect information involving young people -- Talk to the kids themselves. They can identify young people who are involved in this activity.

And I resent the fact that we haven't gotten the leadership from the District Attorney,

from the FBI and from the U.S. Attorney here regarding convening of a Grand Jury specifically to target out those 200 to 400 young people who are involved in illegal drug activity and now the violent aspect of the drugs.

Secondly, we have to get off the dime on this issue of the Shuman Center and the whole issue of juvenile work camps or juvenile detention centers or whatever you want to call them. Shuman Center isn't cutting it. There's a large pool of young people that are the troublemakers. They, unfortunately, rub off and encourage a larger pool of individuals. I believe most of the kids do not want to get involved in this activity. But, unfortunately, there is that gang activity and mentality out there, that peer group pressure, and I believe we need to target and really zero in on the 200 or 300 young people and their older counterparts who are behind them who are involved in this activity.

They're talking about a business tax cut. That would be great. I think clearly Pennsylvania is burdened with one of the highest corporate income taxes in the Commonwealth. And I hope that the Legislature doesn't talk about just a nickel and dime cut in the State personal income tax, which isn't that much. I'd rather see those resources stay at the government level and the State open up and place in larger urban areas, especially Pittsburgh and Philadelphia and other troubled communities, work detention centers. We have former military bases here in the Commonwealth including Uniontown Gap and other places. Somebody better start getting real at the Federal and State level and helping us locally to give us the leadership and give us the resources that we need to deal with the chaos and anarchy that we have on our streets.

We haven't right now already opened the door and cut a ribbon on a work detention center or juvenile work camp or whatever you want to call it, and Shuman is not what I'm talking about.

I'm talking about being able to take a kid out of society and give him or her a 1 to 3 year orientation. They have to be removed from their element. They need to be put into a whole different mind frame, even in terms of a paramilitary kind of mentality. They need to be given education. They need to be turned around.

Things are going to be much worse. And what's so frustrating, and I think Mr. Ricciardi shares this view, is that we're still at the point where we don't have to give up. I really believe, and I don't think I'm being naive, that we're still at the point where we can have an impact on what's happening in this City. We're not L.A. and we're not Philadelphia and we're not New York City. But we're sure as hell going to be those kind of cities in the next two years if we don't begin to zero in on some very real, very plausible ways to deal with the problem.

So, I hope whatever meeting we have we can get Mr. Colville, get the U.S. Attorney, and tell these folks to get real in this City about what the problems are.

Mr. Smith:

Just quickly, I'm in full support of having a post agenda. I think that Mr. Ferlo brought up some wonderful points but I think that the most important point is that we are operating with archaic juvenile laws written for a time in our society when juveniles took hubcaps and attempted to sneak a beer here and there.

And if we will have a post agenda, that we would invite someone who is familiar who will help us and assist us in forming a letter to the State government telling them that what we actually want, what we actually need because we are in the trenches in a day in, day out situation is a review and a rewriting of our juvenile laws. Many of these crimes are committed because youngsters know they will not serve a long period

of time. It is an individual case by case problem in trying to try them as adults. We should not have that problem. As a local prosecutor, we should have the ability based on a rewrite of our juvenile penal code to address the serious problems that youngsters are creating in our community.

I would just like to point out that the youngsters who are presently involved in drive by shootings and illegal drugs are already breaking the law. I do not feel that it will deter, just as the 70 new officers on the street have not managed to contain our death rate this year. But, what it would definitely do is remove in a more permanent situation and give us a greater opportunity to change their viewpoint of what is the societal norm.

So, when we have this post agenda, and I do not have anyone to recommend, I would like to invite someone who is familiar with the Juvenile Code and how it needs to be rewritten to address the change of attitudes and social morays reflected inside of our society so that it is not just us putting yet another Band-aid on a major wound, but it is an opportunity for us to actually suture up the dying victim of the Juvenile Code and hopefully have it healed and repaired to actually do what each and every one of us wants it to do. I'm not going to pontificate because that was just a single request for what I think is a very valid and valuable opportunity for us to affect law.

Mr. Onorato:

I'd like to just expand on what Councilman Ferlo and Councilman Smith have stated, and ask Councilman Ricciardi how he would like to handle this, either with his post agenda or we could call separate post agendas.

I know, Mr. President, you have been very critical, as I have been, of the State

Legislature of not acting. What I would like to see is a post agenda with the cameras on in this Chamber with an invite to every State Representative, every State Senator that lives in the City of Pittsburgh, or has part of their district within the City of Pittsburgh, when they are either out of session or back from Harrisburg which will be the end of the week, and set up the meeting and give them plenty of notice. And if they can't make it for a legitimate reason, I understand. But any State Rep or any State Senator that refuses to show up in these Chambers, I think it should be pointed out to the public. I think a letter should go out because they are sent to Harrisburg to do a job. And, unfortunately, the way the system is set up, City Council gets all the exposure and they get none of the exposure. They get all the power and we get none of the power.

We're dealing with the juvenile laws that must change and they should be in this Council Chamber. We have a right to do something here and that is to have public hearings, and I think that any State Rep or State Senator that refuses to participate, that should be made public.

But I'd like to ask Councilman Ricciardi if he'd like to do it with his post agenda and, if not, I will call for a separate post agenda to basically ask these questions: Are they going to support this legislation? Do they have any new legislation? And are they going to change the juvenile laws? And I think it should be televised so the entire City can watch it, both live and at night at 7:00 when it's taped.

So the request is to Councilman Ricciardi. Would you like to do it with your post or have a separate post?

Mr. Ricciardi:

I really thank all of my colleagues for some of these great suggestions. No way do I want to have ownership or try in any way to take a

leadership role in itself in some of these important issues.

I think we should have one post agenda which is one special meeting here in City Council Chambers and, with the indulgence and permission of all my colleagues, I'd like to meet with each one of you individually and maybe we could set up the responsibility in terms of who we'd like to contact, in terms of what issues we should touch upon, and in terms of what all of us are willing or able to do, or have the time to do, in research.

So, the answer is yes. I'd like to have one special meeting here in Pittsburgh City Council. Invite the appropriate officials from our State Representatives, to our Senators, to our Federal officials, to our Congressmen, and also to our U.S. Senators and other people including our Magistrates in the Administration and all others.

And, again, I would like to meet with each one of you individually. We'll do it as a group effort, sell it as a group effort as a body, and separate the responsibilities of each.

So, the answer is yes. But at the same time, I don't want to take it obviously away from the issue at hand, and that issue at hand was to please review Senate Bill No. 500. And maybe we could have that as a discussion either at the special meeting or in these Chambers. So, the answer is yes. I'm willing to work with everyone and I want to do it together. All nine of us. Thank you.

Mr. Onorato:

I appreciate that, Councilman Ricciardi.

I just want to make one point clear. Councilman Ferlo also suggested the Federal officials. But I want to have a meeting where we focus right on the Legislature. That's where the

State laws and the criminal codes are passed, and they have to be changed. It hasn't happened. We've been screaming, we've been sending letters my two years on Council, and nothing has happened except this particular bill that is now coming up through the Senate.

But there is the whole juvenile system that has to be addressed that is in front of us or in front of them and I would really like to have them down here, have it publicized that they have all been invited, and to go from there.

Mr. Ricciardi:

Can I add some quick statistics before my other colleagues speak? I think everyone has really raised some very important points. As a matter of fact, I had a mailing go out yesterday to 150 of our community leaders in my district that was basically on the alarming statistics of crimes that are being committed by our young people in the City of Pittsburgh.

This will only take a second. From our 1991 Police Statistics Report (the '92 statistics are still being analyzed):

- 17 percent of all suspects arrested for rape were juveniles, ages 13 to 17
- 22 percent of all suspects arrested for felonies were juveniles, ages 10 to 17
- 23 percent of all suspects arrested for burglary were juveniles, ages 10 to 17
- 38 percent of all suspects arrested for vandalism were juveniles, ages 10 to 17
- 52 percent of all suspects arrested for vehicle theft were juveniles, ages 10 to 17

The statistics are vivid, they're concrete, and a lot of this crime is being committed, as my

colleagues have stated, by the same person over and over and over. And that's because our justice system and our State leaders are not, in my opinion, properly doing the job or need to refocus their energies.

So, on that note, I support Mr. Onorato and I want to work with all of my colleagues. And keeping these statistics in mind, yes, we have a problem, a big problem. And we better work with our State officials. And Mr. Onorato is right that we better make sure that the taxpayers and the voters in the City of Pittsburgh know that some of this responsibility and some of this action needs to occur on the State level and the Federal level. It just can't occur here in these City Council Chambers because of our limitations which are mandated, obviously, be the State Constitution.

Mr. Smith:

There is a motion on the floor. It has been moved and seconded.

The Chair:

The motion is to have a post agenda meeting, televised, involving State Legislative Officials that either live in the City or represent part of the City pertaining to these crime issues.

All in favor of the motion? Opposed?

WHICH MOTION PREVAILED.

Mr. Cohen:

On the same issue. I want to commend Councilman Ricciardi for bringing this issue up. We're all here struggling to set the best course that we can to solve the public safety crisis and I want to applaud Councilman Ricciardi for putting our focus on Senate Bill 500. And I certainly will study that bill.

We were at the point a while ago where we're afraid to unfold our newspapers in the morning or turn on the radio to find out what violence occurred the night before. And we all know that unless we resolve this public safety crisis, nothing else we do in these Chambers is going to be able to occur, whether it be in the fields of economic development or jobs or streets, whatever it is, unless we resolve this public safety crisis.

I think we first have to understand the law, and I'm certainly not in a position to explain it right here and now. But I think that we need to bring in the appropriate people to do that. My wife happens to be an Assistant District Attorney and I talk about this with her all the time.

I have just a couple of suggestions. I think we should certainly have the District Attorney, the F.O.P., the judges who are involved in juvenile criminal cases. But also we do have other experts in town including Dean Bloomstein at CMU who is very much involved in researching crime and the policies that we need to counteract it. I think we also probably need a law professor from either Pitt or CMU to be here as well as the State Representatives and State Senators.

Mr. Ricciardi brought up how somebody who doesn't actually pull the trigger should also be culpable, and I absolutely agree. And getting back to that case on the North Side, the person who didn't pull the trigger but was with the person who did clearly is culpable in that case and we've got to make sure that they are.

I think that aside from the State Representatives and State Senators, we do have to look to the Federal Government. And I look to my colleagues on when to do that. We don't have to do it at this post agenda meeting, but they are very much involved, particularly on the money end, not perhaps on the Criminal Code end but on

the money end. We all know that we got \$1.2 million for the Weed and Seed Project up in the Hill, but that's a drop in the bucket particularly on the Seed side. And none of us here this morning have really talked about the flip side of crime and that being the social service, the expanding of opportunities for our inner-city kids.

But I do think that we should have the U.S. Attorney here, our Congressmen here, to discuss how we can increase that funding so that we can take a real bite out of crime and be able to have the funds to do it.

The Chair:

I would just like to comment briefly. I appreciate Councilman Ricciardi bringing it up. I have read not the bill but what I read in the newspaper about the bill, and I support the bill based on what I know about it. And I think it's a good idea for this Council to support that kind of legislation if we deem fit to do that.

It troubles me, though, also in talking about this issue, as all of you have, in my times in public forums this year that there are a lot of things that are not being addressed of which this Council is truly incapable of dealing with. Councilman Ferlo has talked about the Shuman Center and he's right. I've been to Shuman Center. I know it's inadequate. We all know it's inadequate. A couple of weeks ago I was at Western Penitentiary. I know Councilman Onorato was there. Western Penitentiary is not a rehabilitation facility. If anyone thinks it is, they're not dealing with reality. We have some serious problems.

Legislatively, there was a bill passed five or six years ago with a five year mandatory sentence for being involved in a crime, a felony, with a gun. It's not being enforced.

Judicially, people in judicial positions,

maybe because of the demands placed on the penal system, I'm not sure what the reasons are, the people involved in crime today, even adults 18 years and older with a gun are not getting five years mandatorily.

So, some of these laws, even though they're passed with good intent, are really not having a positive impact and there are other problems in our system that are far more ingrained and we can't get our fingers on them, we can't get our hands on them, and I agree with all of you. It's very frustrating as a local elected official.

This may sound like an outrageous statement but I think busing in public schools today, sending children half way across the City, is adding to the crime problem where we're getting gangs to interact when they previously never would have interacted. We have to get back to neighborhood school systems, still with the sensitivity to the racial make up of schools. But there doesn't seem to be a desire to move in that direction. It's out of our control.

There are many things out of our control and I agree with all of you that the juvenile codes and law are archaic and they have to be addressed. And the question is, will they be addressed and I think it's positive to have a meeting of this type. And hopefully we can get people to deal with the issue. Automatic weapons out there, okay, you can own an M-16 machine gun today. That's alright. No one at the State level wants to deal with it.

It's very frustrating. And the public, I know, looks to us and says, "What are you going to do about this crime problem? How are you going to stop kids from having access to M-16's and AK-47 machine guns and other semi-automatic weapons?" There's nothing we can do because State Government has taken away the power for us to deal with those issues. And they

won't deal with the issues. And that is very frustrating.

So, I think a meeting dealing with legislation at the State level is a great idea.

Mr. O'Connor:

You hit on a favorite subject of mine - busing. Taylor Alderdice, where I graduated from, was in the news lately. Everyone there in that whole community is crying out to get back to neighborhood schools. I don't know that busing worked. My son happens to take a bus to East Hills School. I'm very pleased with the school, the school system, his education, and it's racially balanced. So I want to make it clear that this is not a racial problem. But I think people in different neighborhoods now have had a history of problems and now we're bringing them together and it's really coming out to be quite a problem.

I don't know that we can solve the busing problem, whether it worked or didn't work, I don't know. But if you look at the last 20 years, I don't think our young people have gotten ahead. Our SAT scores, everything, has dropped, so evidently it hasn't worked.

I heard Reverend Smith talk yesterday concerning some of these problems. Basically, it took over 20 years to get where we are and it's going to take probably at least 20 years to straighten out the problem. But he spoke of the breakdown of family, not only in the Black community but the White community. Divorce. Councilman Smith was with me. There are so many different problems going on out there and we aren't going to address them all or solve them all. But some of the things that we've all talked about, we have to do at least right not to stop the bleeding.

But while we're on busing, I was Downtown on the corner of Fifth and Wood and

there was a large group of young people being dispersed by our City policemen and School Board police. They didn't know who I was and I was walking by and I heard some of the leaders griping and what they'll do, and you could tell the leaders from the followers. I talked to the police officers there and the School Board police and they said, what the hell are we doing giving bus passes to kids that can come Downtown 24 hours a day, 7 days a week?

They even said that the biggest problem is not the students, it's that most of those leaders, and we pointed them out, are dropouts. When you drop out of school at 16, 17, 18 years old, you just don't go somewhere else. You hang around your friends and your groups. They're taking the passes, borrowing the passes. There is no I.D. on these bus passes and we're creating a small monster here that we can't control.

And there were at least eight officers on that one corner, so they're showing force. There was no fear. And you can tell the bad apples were just a few. The other ones were just standing around following. I think we have to get the bad apples out. As Councilman Ricciardi or Ferlo mentioned, there's 200 to 400 probably criminal element there that has to be removed and a lot of them are bothering the kids who are trying to go to school. So there's a massive problem.

My point is, while we're doing all this, we have to involve our School Board and our school system. That's where the breakdown is. Unfortunately, they're getting the blame for all the family roots, there's no jobs. There are many, many problems but the school may be the only one that's going to solve the problem. Our teachers, our system, school and churches. We can't do it all ourselves. We can pass legislation but it's very frustrating. But there are so many little things going on wrong that I think it can stop some of these problems. So I think the representatives of our school system should be

there.

The Chair:

If I could just add, there should not be unlimited bus passes handed out to any student in this City. I know I have voiced my opinion to the School Board about that and Councilman Onorato did at a meeting we were at. And I know many of you feel the same and it's outrageous.

Mr. O'Connor:

One simple solution that the officer had was to put an I.D. on there or a picture because the kids are giving them to their friends or the guys that drop out are taking them. So, anybody is using these passes for the wrong purposes. They weren't set up that way.

Busing is a massive problem and I think it should be one of the quick solutions. Just imagine if we took all the money we're spending on buses and gas and all that and put it into the lower income, put an emphasis on the needy schools and the needy areas. I think we could really do a much better job. But that's only my personal opinion.

The Chair:

I don't mind if we talk about this issue all day, actually. That's how significant the issue is.

Mr. Onorato:

It's really a public service announcement, if you want to call it. Everyone is familiar with the pizza deliveryman killing on the North Side, Jay Weiss, a week and a half ago. I just wanted to let everyone know if they're interested that there is a fund that has been set up at the Presbyterian Church on Brighton Road. The address is 3737 Brighton Road, Pittsburgh, PA 15212. The telephone number for the Church is 761-1152.

Mr. Weiss, if you didn't read it or hear it, left behind three children ages 8, 12 and 14. So the Church is coming forward with taking control of the fund and all the donations possible. Thank you.

Mr. Onorato moved to approve the Minutes of Tuesday, September 7, 1993 and Tuesday, September 14, 1993.

Mr. Cohen seconded the motion.

Which motion prevailed.

Mr. Ricciardi moved to excuse Michelle Madoff for absence from the meeting.

Mr. Cohen seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Ricciardi**

Council adjourned.

MUNICIPAL RECORD

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Municipal Record

ONE-HUNDRED TWENTY-SEVENTH COUNCIL

JACK WAGNER President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON-WASLER.... Asst. City Clerk

Pittsburgh, PA
Tuesday, September 28, 1993

PRESENT:

MR. COHEN	MR. ONORATO
MR. DARKINS	MR. RICCIARDI
MR. FERLO	MR. SMITH
MR. O'CONNOR	MR. WAGNER
	(Pres't)

ABSENT:

MICHELLE MADOFF

The Meeting was opened by the recitation of the Pledge of Allegiance to the Flag of the United States of America, and a moment of silent prayer for peace throughout the world.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Onorato:

At this time, I'd like to call up a list of individuals, but real quick, this is regarding Riverview Park and my colleagues have heard me over and over again talk about this park and the hundredth anniversary coming up next year. This has to do with the Day of Caring Project that we had in the park on September 1st and it involved a lot of the federal agencies.

Representing the agencies today we have Carl Close, the Assistant Director, Office Surface Mining; Janita Blanton from the FBI; Douglas Ward, the Defense Contract Audit Agency; Sandra Lutz from the Office of Personnel Management Field Investigation Department; Ron Recker, Office of Surface Mining; Mel Powell from the IRS; Bob Coll, Postmaster Service; Diane Smith from the IRS; Karen Killian, Office of Surface Mining; Carol Summers, Federal Aviation; Tom Goodnour, Housing and Urban Development; Janie Frankel, Small Business Administration, Kathy Fear, Pittsburgh Energy Technology Center; Sue Wargo, Bureau of Mines; Robert Calabrese, Veteran Affairs; Mike Callaghan, U.S. Marine Corps; Rob Lesko, Army Corps of Engineers; Pam Sibb, United Way; Myrna Antonio Hall, United Way and Partners in Park; Angela Linda, Partners in Park; William Meyer, United Way; Gary Bernowski, Partners in Park; Paul Sampson, Supervisor, Town North of Public Works; Dale Bazetti, City Forester.

Colleagues, as a lot of you know, there were about 4,500 individuals throughout the County on the Day of Caring, September 1st. Riverview Park, we were fortunate to have the largest group in the City of Pittsburgh, over 300 volunteers volunteering the entire day to start rehab in the park.

The North Side is kicking off the Centennial and we are going to go from September 1st of '93 through September 1 of '94 to celebrate the Centennial. So, this kicked off the day. The painted guardrails, they painted the benches, they painted tables, they painted groves, they put in wooden steps. It was a sight to see.

We have a video that we'll eventually show you that was completed by one of the United Way groups. We don't have it today but I will share it with my colleagues later.

Mr. Onorato presented

No. 3221 WHEREAS, Riverview Park, one of the City's four regional parks, located on the North Side will be 100 years old in 1994; and

WHEREAS, the community has been meeting monthly making plans for physical improvements to the park and festivities in order to celebrate the centennial; and

WHEREAS, the United Way together engages volunteers from the Combined Federal Campaign and from hundreds of local companies to volunteer on United Way's "Day of Caring". On "Day of Caring", volunteers perform community service work that improves the quality of life in our neighborhoods; and

WHEREAS, the largest outing in the City of Pittsburgh took place in Riverview Park, where tasks included painting and repairing

shelters and park benches, clearing trails, removing dead trees and planting new ones, litter clean up, and building steps; and

WHEREAS, participating were employees from Federal Agencies including the Small Business Administration, Postal Service, Veterans Affairs, Internal Revenue Service, Pittsburgh Energy Technology Center, Corps of Engineers, Navy Support Personnel, Housing & Urban Development, Bureau of Mines, U.S. Immigration & Naturalization, U.S. Attorney's Office, Office of Personnel Management-Field Investigation, FAA-Air Traffic Control Tower, Defense Contract Audit Agency, Federal Bureau of Investigation, Office of Surface Mining, and Marine Recruiting; and

WHEREAS, local businesses donated supplies and food while community volunteers brought refreshments and served the workers lunch, and Port Authority contributed equipment and manpower to operate it; and

WHEREAS, this collaboration between the United Way, the CFC, Partners in Parks, the Mayor's Office, Public Works, Parks and Recreation, local businesses, Port Authority, and neighborhood residents was a tremendous way to kick off the preparations for the centennial celebration of 1994; and

WHEREAS, Senta Burton of Councilman Onorato's staff was responsible for coordinating all of the parties involved and the activities that were carried out.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh recognizes and commends all involved in "Day of Caring" for their commitment and dedication by giving of themselves to their community and for the hard work of the agencies and volunteers in their contributions in making noticeable

improvements and renovations to Riverview Park on September 1, 1993.

Mr. Onorato moved to adopt the resolution.

Mr. Ricciardi seconded the motion.

Which motion prevailed.

Mr. Onorato:

One person couldn't make it today and that's Senta Burton. Some of my colleagues will know her from the floor; she works in my office. She worked all summer and her only task was to coordinate this project. And, as you can see, it was a large, large project to coordinate all these agencies.

I'd like to call up a few individuals to explain exactly what happened and how they got involved. And at this point, we would like to have Bill Meyer from the United Way to come up and say a few words.

Mr. Meyer:

Thank you, Councilman. I would just like to congratulate the many agencies of the Federal Government which, in some ways, unfortunately, are invisible in this community because there are so many different departments. But in this one combined effort, I think they were able to demonstrate that they are quite a force in our community.

I also want to commend the Councilman for his leadership in enabling us to bring together this mass of individuals to focus on one very important project in our community. As you know, this kicked off the commemoration of 100 years of the park. It also kicked off the United Way campaign in South Western Pennsylvania. This is the third year we have kicked off our campaign with this idea of a Day of Caring.

Taking folks, in many cases donors through the United Way, out into the community to work alongside of the agencies that they are supporting.

The Partners in the Park Project, this unique partnership between the United Way and the City, have enabled us to take these volunteers and these donors and also focus their attention on the valuable resources that we have in our City. As you well know, because you're dealing with the financing problems every day, it's not just money. It's people who care about their parks, who care about their City. And this kind of a project really reinforces in every one of us whether it's support throughout United Way and our contributions, or being a taxpayer, or just being a good citizen, the need to give special attention to the great resources we have in our parks like Riverview.

So, we are just delighted in United Way to be able to take a fundraising organization and focus it on volunteer raising and mobilizing.

And I have to give credit to Dan and his staff, and many people from different City departments who were brought in early, saw the potential that we could do with this park, and took the time to prepare and make something very dramatic and very big happen. It was just a beautiful coming together. As you all know if you're from smaller communities, it's kind of like the old fashioned barn raising, and that's what happened in Riverview Park on September 1st.

I want to extend an offer to others who have special needs in their districts, their communities, that they would like to focus attention on United Way, Partners in the Park Project, or United Way agencies in general, stand ready to define these needs and work with you to meet these needs.

So, thanks for the opportunity to work on

this exciting project.

Mr. Onorato:

Before I call up the second person to say a few words, it should also be pointed out that this was one day, as we mentioned, but a lot of the individuals that volunteered came out weeks afterwards to complete projects that were left undone on September 1st. And I think that says a lot about individuals that took pride in what they were doing.

I'd also like to have Carl Close at this point who coordinated all of the agencies that day and help out a lot.

Mr. Close:

Thank you, Councilman Onorato. This was a great opportunity for us because, as federal agencies, a lot of things that you would think would be easy really aren't easy. There are a lot of obstacles to do things like this because of all the fairness requirements and bureaucratic rules and regulations we have laid upon us from Washington.

We've been trying over the past three years to find good ways to participate in the Day of Caring. This year, Councilman Onorato and the City gave us the perfect opportunity, and that was Riverview Park. It was the main ingredient for the success we had this year. We were able to convince federal agency directors here in Pittsburgh to free up some staff people to come out and help in a hands on way to get the enthusiasm and spirit that we need to carry out the combined federal campaign in October.

We work with the United Way, we work with the City, and there are a lot of people who did some very special things for us, and I'd just like to mention them briefly. Bill Meyer, of course, makes it all possible from the United Way side,

but he has one of the super-energetic staff people who works with us and gets it done, and that's Pam Sibb.

You all know that any manager who is a success really is a success because he delegates it to his staff, and I have two of mine here who really made this work from my side. One is Ron Recker and the other is Karen Killian. These are the people who made it work for me.

As Councilman Onorato mentioned, a number of people went out afterwards to finish up things. We didn't want to leave them half done. I hope this is the beginning of a tradition among federal agencies, and I hope that we can instill a sense of volunteerism throughout the year, not just on September 1st.

You gave us that opportunity this year. Thank you, City of Pittsburgh. Thank you, Dan Onorato.

Mr. Onorato:

I just have to make sure I recognize once again Myrna Antonio Hall from our Partners in Parks. A lot of people questioned if the Partners in Parks was really working; I think this is an answer to a lot of those critics, Myrna, and I want to thank you personally for helping us out on the North Side and I'd like to give you this plaque.

I would just end by asking everyone here to meet us again in 12 months, on September 1st, to end the celebration. We can do it one more time and celebrate after we have another long day of work.

For the City of Pittsburgh I thank you. And on behalf of the entire North Side, we thank you very much.

Mr. Cohen:

I also want to congratulate Councilman Onorato and all the federal agencies who were involved on the United Way Day of Caring. I particularly want to thank Mr. Bill Meyer because the United Way's Day of Caring has become an institution now in the City of Pittsburgh and the tremendous amount of work that is done on that day really outdoes anything I've ever seen. I happened to be at the Ronald McDonald House in Shadyside painting that day and I didn't make much of a contribution because I think I got more paint on myself than I did on the facility, but I want to congratulate all of you for the work that you did, and the United Way for the work that it did throughout the entire County on that day. An dl hope that the Day of Caring continues to go on for years and years. Thanks.

Mr. Onorato:

Thank you, Councilman. And for our great City staff, once again, Paul Sampson, Dale Bazetti and Ed Krenik, the City workforce was unbelievable that day in sticking around and showing up early to participate. Thank you very much.

For my next resolution, I'd like to call up Chief Dickinson, Assistant Chief Micheli, Captain Friel, Captain Kelly, Captain Cunningham, Lieutenant Walker, Inspector Mack, Inspector Hardy, and Inspector Jurczyk.

Mr. Onorato presents

No. 3222 WHEREAS, planning ahead and practicing can greatly enhance our ability to escape from fire; and

WHEREAS, the value of escape planning at home, at work, and wherever we are is well-documented; and

WHEREAS, every fire escape plan should include a meeting place outside where everyone can be accounted for and await the fire department; and

WHEREAS, once safely outside, we must always resist any temptation to re-enter a burning building because no property is worth risking a life; and

WHEREAS, firefighters are trained and equipped to rescue people trapped inside burning buildings, it is important to teach children that "Get Out, Stay Out" is the fire safe response; and

WHEREAS, the fire service of Pittsburgh is dedicated to the safety of life and property from the devastating effects of fire; and

WHEREAS, those members of the fire service are joined by other concerned citizens of this City, as well as business, schools, service clubs and organizations in their fire safety efforts; and

WHEREAS, it is especially appropriate this week to recognize the value and the accomplishments of Pittsburgh's Firefighters, especially those whose work supports fire safety education programs, the hydrant testing program, company inspection program, smoke detector program and other preventative measures.

NOW, THEREFORE, BE IT RESOLVED, that the Members of Pittsburgh City Council, in recognition of this event, does hereby declare the week of October 3-9, 1993 as "Fire Prevention Week" in the City of Pittsburgh and encourage the citizens of this City to participate in fire prevention activities at home, work and school, and to heed the message: "Get Out, Stay Out! Your Fire Safe Response" as the 1993 Fire Prevention Week theme suggests.

Mr. Onorato moved to adopt the resolution.

Mr. O'Connor seconded the motion.

Which motion prevailed.

Mr. Onorato:

Chief, at this time I'd just like to say a few words before I call you up here, and that is, a lot of times the general public only hears of the Fire Department when there is a fire and they see it on TV and they see the damage. But there is a lot of work that your department does behind the scenes that doesn't get the exposure that I think is critical that we get out there.

One example is the smoke detectors that they give out free to low income neighborhoods. I know one particular neighborhood in my district a few weeks ago where they actually walked door to door and investigate each home and make this offer available be it either to replace batteries or actually giving the smoke detectors.

And, Chief, as you said many times before, it's the prevention that's more important than the actual firefighting.

Chief Dickinson:

Thank you. I'm sitting over there this morning wondering how many times we've done this. This is the sixth time as Fire Chief that we've had the proclamation for Fire Prevention Week.

Also, as I was going through some records real quick yesterday, one thing that kind of startled me was that the only Councilperson that I'm aware of who has actually witnessed a fire is Councilman Ferlo. And I believe that occurred last year, sometime in the middle of summer last year. It was a very aggressive, what we call a one-alarm fire. For those novices that doesn't seem too serious, but when you see it

occur, it is.

What I'm reminded of is that I always come here with some trepidation in my heart because it's not a good message that I always bring. But this year is a little bit different. I'm going to knock on wood because there is some good things happening and I guess the one thing I'd remind everybody is that right now, today at this very instant, there is 176 officers and firefighters on duty to suppress fires. And they'll do a very good job when that call comes, which it surely will.

But to prevent fires, this is it, folks. This is what we have. And I must add that the company inspection program in the field obviously supports these folks. But there are two individuals here, although all of them are fire prevention code enforcement officers, the two gentlemen on your right is the public education section. And I think for the first time we can see some dramatic results in Pittsburgh.

The best news I can give you this morning is in calendar year 1993, we've lost one child. We had hoped and prayed at the beginning of the year in January, and I know I talked to all of you about this, we hoped we wouldn't lose any child. But we did. So far it's one. A seven year old. I wish that every news media would join us, that Council would make a proclamation every morning, that everyone in their heart would work as hard as they could because we have a little over 90 days left in this year. Will we make it the record setting year for 1993 and only lose one child? And yet we know instinctively inside of us that's not enough because our goal is not to lose any children in this City. As I said over and over, as adults that's our responsibility. We must protect our children because they're our treasures.

What are we doing, though, in education with code enforcement? The fire inspectors that

make our City as safe as it is, which I think we have a record that we can match with any city across the country, is we're focusing so hard on the public education section. And it's not by accident things that are going to occur this next week in fire prevention which I think for those of us who look at fire education almost as a marketing effort now, we're going to have something occur next week that if you would have told me six months ago I would have said it was impossible.

There is a program on WPGH FOX-TV called "Kids' Club". I believe that's the correct name. And when we first heard about it, we knew it's in the morning, it runs comics, cartoons, and that's the target we always look for. What we didn't understand, though, when they came to us and began to talk to us was the size in their club that they have, little cards that they sign up, is 150,000 children. 150,000 in the Tri-County area. They think there's a market out there of around 300,000. Now, obviously, this spills over into the counties, not just the City, but that's good news for us because our kids in the City will be watching too.

We just finished yesterday with the fire education officers a whole morning at an engine company filming fire safety slots that I think will be really dramatic for the young children which is our target.

In addition to that next week, these officers and others are going to be at the Carnegie Science Center all week long. That's the other target that we're looking for.

So, our efforts next week are focused again at the children.

What I'd ask you is wherever you go, I wish we had a huge neon sign that every day would count the days for us as we near because we need goals. We need goals to keep people's

attention. Try to get to the end of 1993 with only one, and that would be a banner year for us. We ask for and appreciate your support and hope that we can achieve that with all your help and every endeavor we have for public education. Thank you very much.

The Chair:

Chief, if I may add, and I always do every year, but if you don't mind me adding to it, I always make a push for smoke detectors in homes. I just want to say for the viewing audience, and I know you believe this and every one of your people do in your department and Councilman Onorato chairing that committee, possibly besides your telephone to call to notify the Fire Bureau, the Police or the Paramedics, the most important item in your home is not your TV or your stereo or your dinette set or your refrigerator. It's a smoke detector, and it costs about \$7.00. And if you don't have one, the City of Pittsburgh will give you one. Not should you just have one, you probably should have a minimum of three.

These people here are the experts in the field that can advise the public as to where and how those smoke detectors should be placed simply with a phone call. Or they'll come to your house and even advise you or assist you in terms of putting in a smoke detector. You can arm your house with smoke detectors for \$20.00 and that message doesn't go out enough because that is what will save lives because it is an early detection system and keeps people from inhaling the smoke that causes death.

I just want to put a push again on that and talk about it more because I don't think collectively we talk about it enough. I know you, the professionals do, and I commend you for it and the work you do in it. But the public doesn't hear it enough and again, besides possibly your telephone, it's the most important item in your

home. Thank you.

Mr. O'Connor:

Jack, is there a number they can give out?

Chief Dickinson:

The number is 255-2863.

The Chair:

Thank you all.

Mr. Cohen:

Would the members of the Board of the Shadyside Action Coalition come up, please? Bonnie Booth, Zita Glasgow, Lou Boyle.

Members of Council, it's my honor to present the following resolution for the Shadyside Action Coalition's 16th Annual House Tour.

Mr. Cohen presents

No. 3223 WHEREAS, the Shadyside Action Coalition was founded in 1973 by residents and clergy dedicated to preserving and improving the quality of life in the Shadyside neighborhood; and

WHEREAS, the Shadyside Action Coalition works with Shadyside residents, the City of Pittsburgh and other community organizations to enhance the community of Shadyside and the City of Pittsburgh through organization, education and public advocacy; and

WHEREAS, the Shadyside Action Coalition conducts a yearly House Tour to allow the public to view intimate and elegant 19th and 20th century homes exemplifying superb

architecture and interior design in the Shadyside community; and

WHEREAS, the 16th Annual Shadyside House Tour will be held on Sunday, October 3, 1993 between 11:00 a.m. and 5:00 p.m. and is open to the public.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends the Shadyside Action Coalition for their commitment to improving their community and for conducting the 16th Annual Shadyside House Tour for the benefit of all residents in the Greater Pittsburgh area; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh declares Sunday, October 3, 1993 as "Shadyside Action Coalition's 16th Annual House Tour Day" in the City of Pittsburgh.

Mr. Cohen moved to adopt the resolution.

Mr. Ferlo seconded the motion.

Which motion prevailed.

Mr. Cohen:

As you all know, the Shadyside Action Coalition, or SAC as it's fondly known, is the very vigilant community organization for the community of Shadyside. And the Shadyside Action Coalition is involved in more than just parking issues. I want everybody to know that. They're involved very much in crime prevention, in planning and zoning issues, in enhancing the quality of life of the Shadyside community. And, every year, at least for the past 16 years, they've had a house tour. I know that the Mexican War Streets in Councilman Smith's district had a house tour a couple of weeks ago which was a very fine house tour. This is a very fine house tour also and I'd like everybody to think seriously

about coming on Sunday from 11:00 to 5:00 because it shows off seven homes plus the Ronald McDonald House, not the parts that I painted, I hope. And it's also just a wonderful day for you to walk around a community that's very proud of the accomplishments that it has made.

So, we have with us today the President of the Shadyside Action Coalition, Bonnie Booth, and the Chairperson of the Planning and Zoning Committee, Zita Glasgow, and the man who watches over the money and that is Lou Boyle who is the Treasurer of the Shadyside Action Coalition. So I'm very happy to introduce Bonnie Booth.

Ms. Booth:

Thank you, Dan. I want to thank Dan Cohen, President Jack Wagner, and City Council for this honor. We certainly appreciate it. Dan took the words right out of my mouth, all the details about the tour. Please come. I know it is going to be a beautiful day to roam around Shadyside.

We are accountable to our community and to the City of Pittsburgh. We have a lot of concerns and it takes to put on the House Tour well over 100 volunteers who dedicate their efforts to put this tour on so that the Coalition may continue its efforts. Thank you very much.

Tickets are \$12.00 and you can pick them up at the corner of Morewood Avenue and Ellsworth, or prior to the tour, you still have a couple days left, a \$2.00 discount, \$10.00. Call the SAC office at 361-3771.

Mr. Darkins, Mr. Ferlo, Mr. Cohen, Mr. O'Connor, Mr. Onorato, Mr. Ricciardi, Mr. Smith and Mr. Wagner present

No. 3224 WHEREAS, Sickle Cell Disease is an inherited disease that affects the red

blood cells. Rather than being round in shape, many of the red blood cells become sickle or moon shaped when they release oxygen to the tissues. When they are sickle shaped, the blood cells are fragile and rigid, making it hard for them to pass through blood vessels. They tend to break down more rapidly than the body can replace them; and

WHEREAS, the anemic and obstruction of blood flow account for most of the health problems that individuals with this disease face every day of their lives. The most common and disturbing feature of the disease is the occurrence of pain attacks from the plugging of blood vessels. These attacks are unpredictable and vary in duration and severity. Some pain attacks necessitate hospitalization, blood transfusions and administering pain medications; and

WHEREAS, Sickle Cell Disease was first discovered in 1910, a cure has not been found. Major strides in preventing the early deaths of children with Sickle Cell Disease have occurred in the past ten years, with newborns who have been diagnosed with the disease being given penicillin; and

WHEREAS, Sickle Cell Disease affects all aspects of the patient's life. The recurrent and unpredictable nature of the disease can adversely affect both school and work performance. Support groups for patients and parents of children with Sickle Cell Disease are a necessary part of treatment of this chronic disease; and

WHEREAS, September has been named "National Sickle Cell Month" in an effort to inform the public about this disease which affects over 25,000 Black Americans. Due to lack of information, many Sickle Cell trait carriers are unaware that they carry the disease. Screening programs are available nationwide and many of the states have adopted Sickle Cell screening as part of their state's mandatory newborn screening

programs. Pennsylvania will add mandatory Sickle Cell screening within the next year; and

WHEREAS, the Sickle Cell Program at Children's Hospital has provided medical care to children with Sickle Cell Disease since the early 1970's. At present, nearly 160 children are enrolled in the Sickle Cell Program at Children's Hospital.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby declares Friday, September 24, 1993 as "Children's Hospital Sickle Cell Program Day" in the City of Pittsburgh.

Mr. Darkins moved to adopt the resolution.

Mr. Ferlo seconded the motion.

Which motion prevailed.

Mr. Cohen presented

No. 3202 Resolution providing for the issuance of a \$1,890.00 warrant in favor of Loren & Sally Siegel in settlement of claim for sidewalk damage due to City tree roots at 4301 Bigelow Boulevard, payable from Code Account No. 46, Judgments.

Also,

No. 3203 Resolution providing for an Agreement or Agreements with Yanni-Bilkey Investment Consulting for professional services in connection with an analysis of the City's investment management policies and procedures at a cost not to exceed \$4,000.00, chargeable to and payable from Code Account 1063 (106302) Misc. Services, Department of Finance.

Also,

No. 3204 Resolution providing for an

Agreement with Breachmenders, their heirs, executors, administrators and assigns, which grants an easement for maintenance, ingress and egress on and through property in the 4th Ward, Block 28E, Lot 193, 3311 Terrace Street, owned by the City of Pittsburgh upon certain terms and conditions. (Council District No. 6)

Also,

No. 3205 Resolution providing for conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective december 11, 1984.

Also,

No. 3206 Resolution providing for conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Which were severally read and referred to the Committee on Finance.

Mr. Darkins presented

No. 3207 Resolution transferring the amount of \$5,000.00 from Code Account 1701, Misc. Services, to Code Account 1728-1, Premium Pay, both accounts within the Department of Public Works. This transfer is needed to meet payrolls due to unexpected spending for the March snowstorm as well as increased special events spending for the Three Rivers Regatta.

(PRIOR APPROVAL GRANTED)

Also,

No. 3208 Resolution transferring the amount of \$20,000.00 from Code Account 1544, Sewer Maintenance Contracts, to Code Account

1612-3, Brooms and Broom Accessories, both accounts within the Department of Public Works. This transfer is necessary to purchase brooms for the Street Sweeping Program.

Which were read and referred to the Committee on Finance.

Also,

No. 3209 Resolution granting unto Integra Financial Corporation, 300 Fourth Avenue, Pittsburgh, PA 15278, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a concrete handicap ramp in the right-of-way of Perrysville Avenue in the 26th Ward, 1st Council District of the City of Pittsburgh.

Also,

No. 3210 Resolution vacating Line Street between Fairland Street and another portion of Fairland Street reserving the right of easement of a 9" sanitary sewer and a 12" storm sewer located therein in the 29th and 32nd Wards, 4th Council District of the City of Pittsburgh. The petitioner Regis J. McNally, 1931 Fairland Street, Pittsburgh, PA 15210 has requested this vacation for expansion purposes. The Department of Finance is recommending a fee of \$500.00 be charged for the vacation of the same.

Which were read and referred to the Committee on Public Works.

Mr. Ferlo presented

No. 3211 Resolution authorizing the Director of Finance to accept title to the properties located on Haverhill Street in the 13th Ward of the City of Pittsburgh, in coordination with the efforts of the URA of Pittsburgh. Costs of the purchase and closing shall be paid for by

the URA of Pittsburgh.

Which was read and referred to the Committee on Planning, Housing and Development.

Mr. Ferlo moved to suspend Rule 8 by providing for consideration of all the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. O'Connor seconded the motion.

Which motion prevailed.

Mr. O'Connor presented

No. 3212 Resolution authorizing a Cooperative Agreement or Agreements with the County of Allegheny implementing and coordinating Allegheny County Police horse mounted patrols operating within the Golden Triangle, from November through December of 1993.

---(SPONSORED BY MR. O'CONNOR, MR. ONORATO & MR. SMITH)

Which was read and referred to the Committee on Public Safety.

Mr. O'Connor moved to suspend Rule 8 by providing for consideration of all the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Darkins seconded the motion.

Which motion prevailed.

Mr. Onorato presented

No. 3213 Resolution authorizing the transfer of \$50,000.00 from Code Account 1470-9, Workers Compensation, Bureau of Fire, to

Code Account 1420-9, Workers Compensation, Bureau of Emergency Medical Services, Department of Public Safety.

Which was read and referred to the Committee on Finance.

Mr. Onorato moved to suspend Rule 8 by providing for consideration of all the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Ferlo seconded the motion.

Which motion prevailed.

Also,

No. 3214 Resolution providing for a Contract or Contracts or the use of existing Contract or Contracts to lease terminal equipment, data circuits and for the purchase of associated supplies for the CLEAN (Commonwealth Law Enforcement Agency Network) hardware at the Emergency Operations Center at a cost not to exceed \$2,500.00, chargeable to and payable from ETATF, Emergency Operations Center, Department of Public Safety.

Which was read and referred to the Committee on General Services.

Mr. Ricciardi presented

No. 3215 Resolution providing for the issuance of a warrant in favor of Public Strategies, Inc., One Bigelow Square, Suite 616, Pittsburgh, PA 15219, in the amount of \$4,000.00 in payment for professional consulting services rendered to Councilman Eugene Ricciardi for the month of September, 1993, chargeable to and payable from Code Account 1001-2, Salaries, Wages and Services of Council,

As Needed, (Index Code 100123), City Council, District No. 3.

—(SPONSORED BY MR. RICCIARDI)

Which was read and referred to the Committee on Finance.

UNFINISHED BUSINESS

Mr. Darkins:

Mr. President, I would like to make a motion to untable Bill No. 3098.

Mr. Smith seconded the motion.

The Chair:

All those in favor? Opposed?

Mr. Ferlo:

Opposed.

WHICH MOTION PREVAILED.

The Chair:

The bill is untable. Mr. Perry, would you please read the bill?

Mr. Perry:

Bill No. 3098 Resolution authorizing the Mayor and the Director of Public Works to execute an agreement with the Municipality of Penn Hills and the Allegheny County Sanitary Authority consenting to the assignment of sewage service agreement among the City, the Allegheny County Sanitary Authority, and the Municipality of Penn Hills.

Which was read.

Mr. Smith:

Quickly, if someone could refresh my memory, I believe that this is an easement through the City and not a tap-in to the City sewer system. If that is correct, could someone please tell me that my memory has served me well?

The Chair:

Let me take a stab at it. This is a connection with the Alcosan interceptor that requires approval from the Alcosan Board, the County Commissioners and Pittsburgh City Council.

There may be easements granted in the bill. What they are specifically, I'm not sure. But it is an agreement in essence to permit Penn Hills to begin to correct a problem that they have had historically of dumping to some degree raw sewage into both the Allegheny and the Monongahela Rivers.

There has been an agreement worked out with Alcosan where they pay several million dollars to tap into Alcosan, plus make significant capital improvements to their existing system. They are under a mandate from the federal and state agencies to correct the problem that exists in Penn Hills.

Mr. Onorato:

Are there any other tap-ins that are going to be coming forward in the next year?

The other question is, the \$42 million for the odor control, when does that take effect or the construction of that start?

The Chair:

First off, there has been completed \$10 million in odor control work at Alcosan to date.

And there has actually been a significant improvement to date.

The completion of the total capital improvement project is several years away. It involves covering all of the open tanks that exist at Alcosan, plus other significant improvements in the handling of sludge, one of which is a new incinerator operation. And all of those capital improvements will greatly reduce, I would never say totally, but greatly reduce the odor problem that exists.

And, Councilman, as you know, being a member of that Board, I went on that Board with two issues to address. One was the odor problem and the other one was the Saw Mill Run sewage problem. And as long as I'm on that Board, those two problems are going to be addressed in whatever capacity exists from an engineering standpoint. If there is a way to solve the problem better, and anyone can present it to the Board, we will incorporate it as part of the odor control problem.

Mr. Ferlo:

I have no problem voting for this in the future, and I have voted for these types of agreements in the past. I just feel like we should have a better understanding. I don't at this time and that's why I'm not voting for this bill. I don't yet fully understand what the bottom line is.

I recognize that we have a responsibility at some point to help out our suburban and neighboring municipalities outside the City, but historically it has been the ratepayers in the City and those that helped build the Alcosan system that built the system and have incurred the indebtedness over many decades.

Now these suburban communities, albeit they have not been part of the system in the past, want to come on line, not only morally want to

come on line but are under the gun under Pennsylvania DER regulations for not spending the kinds of dollars that we've forced our ratepayers to pay over the years to support the Alcosan infrastructure.

Until I see an independent letter from an accounting or auditing firm saying what the bottom line dollar is, I mean these communities that are coming on line now, they should bear the cost, or some proportionate cost, of not only coming on line into the system but also to help pay off the bond indebtedness that the rest of the ratepayers have borne the burden of over many decades. That may be an aspect to this agreement, but I still don't understand it financially. I don't know what the bottom line is and before I can comfortably vote on letting all these new communities come on line, I want to see clearly what is their contribution to help pay for the system that everybody else has built up and that these suburban communities over the years did not want to even participate in.

So, now that we have something that they want, I just want to be assured that they're actually paying the piper that we've been paying for a long time. And I don't have that comfortable level with this bill.

I realize there are other issues about Alcosan's performance, and Mr. Onorato has been vigilant on his issue in terms of the odor control and problems facing his North Side communities, and that's certainly another aspect.

Maybe other Councilmembers know that information and maybe I have been remiss in not doing enough research on this one bill, but I just can't vote for this until I understand and have an independent letter from an auditing firm explaining what it is that their dollar contribution is, both in terms of coming on line as well as helping to pay off the bond indebtedness.

But, other than that, I'm all for the principal because the principal is a good one. It's similar to the whole theory around selling our water and that is that if we spread the ratepayer base out over the County, we're going to have more ratepayers in the future that would make it easier for Alcosan in terms of going out on bonds. The more people that are paying into the infrastructure, the better. But as these other communities come on line, I think it's responsible for this Council to at least know financially what it is that these communities are paying. And, to be quite honest, I don't know.

The Chair:

I believe that was mentioned by Mr. Trez in regard to the other bill. We had him at the table a month or two ago. I believe the number for Penn Hills is a \$4 million check written to Alcosan as part of their capital investment. I can get that exact number and/or Council can request that information as being part of any new service agreements.

But I just want members of Council to realize that I'm protecting the City's interest on Alcosan and I'm fighting for the City. The odor control, \$40 million to \$50 million being spent, and the \$10 million to \$20 million being spent on Saw Mill Run, is in essence being paid by all ratepayers to Alcosan and just not City residents. There's a reason behind that, obviously that it should be paid by all the ratepayers. But if you recall, going back four or five years ago, the Saw Mill Run problem was paid totally and only by the City of Pittsburgh. And the North Side problem of the stench. And it's just not North Side because the people of West End also get the problem from Alcosan. But that problem has existed too long. It has lessened, but it can, I believe, almost be totally eliminated.

Just one final note. If the bill doesn't pass, I know we're going to end up in court here, and

Council is going to be sued because there are federal and state mandates placed on Penn Hills and a legitimate legal agreement has been worked out. And I think it's in the best interest of the City of Pittsburgh on this agreement to pass it. And if Council, as Councilman Ferlo is requesting, wants additional information, any kind of information, it should be provided if anyone requests it. It can be provided for this bill and I think all it needs simply is a request.

Mr. Darkins:

Call for the vote, please.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Ricciardi
Mr. Darkins	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 6 NOES 2

(MR. FERLO AND MR. ONORATO VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

REPORTS OF COMMITTEES

Mr. Cohen presented

Bill No. 3216

Report of the Committee on Finance for September 22, 1993 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2937

A Resolution entitled, "Resolution appointing an advisory committee to help explore alternatives to the covering of Highland Reservoir No. 1."
---(SPONSORED BY MR. FERLO)
(AS AMENDED IN COMMITTEE)

Which was read.

Mr. Ferlo:

On Bill 2937, on the Highland Park Reservoir issue. I'd like to make a motion that on Bill 2937 as well as 2938, which is under Engineering and Construction, that we make a motion to amend by substitution.

Mr. Smith seconded the motion.

Mr. Ferlo:

The two substituted bills in these two committees, one of which is up for a vote right now, represent the amendments that we were concerned about during the Committee discussion, one dealing with your concern about making a statement that the reservoir remain an integral part of the water treatment system. Two, that we broaden out the review of the Advisory Committee and also that as a policy statement we may concern not only that we want to maintain the recreational use of the Highland Reservoir which historically has been used for the jogging and the walking and the viewing, but also that we

want to restore what in the past has been a recreational usage of the Herron Hill Reservoir and that we broaden out the resolution so that any review and cost assessment report be not only inclusive of the Highland Park Reservoir concern, but also Herron Hill. And Mr. Ricciardi's concern was removed and that was the debate about any kind of environmental impact, Mr. Ricciardi's concern being legitimate that that entailed a more lengthy problematic process with DER and all that and the phrase "community impact" meaning if trucks come in to the reservoir or things involving a construction nature, what would be the community impact.

So, I think the amended bill has expressed the amendments and the concerns that were voted on in the Committee Session.

Mr. Smith:

I just want to thank my colleague for being very open and helping address a problem that is not only in his district but a problem City-wide, and that is addressing issues as a total package in this City so that no residential area is ever slighted. And I want to thank him for being so gracious as to offer a substitution in place.

The Chair:

There has been a motion and a second on the substituted bills. All in favor? Opposed?

WHICH MOTION PREVAILED.

Mr. Ferlo:

Again, I just want to clarify because there's always confusion. The main goal and the emphasis of this whole effort certainly on behalf of residents as well as park enthusiasts, was to have this Council make a policy statement on the urgent need not to cover, at least initially, the Highland Park Reservoir with any type of a vinyl

or rubber cover. The basic goal again would be to maintain the integrity of the reservoir that exists in the Highland Park community so as to remain lake-like so that it can continue to be used by people who just want to view it aesthetically but also people who want to walk and jog. And, again, I think that's what the resolution intends to do.

And what it tends to do is to try to focus the Administration on specifically coming up with the cost and give us a cost and assessment report on what the various alternatives are so that we can maintain the water supply system but without having to cover it with the vinyl cover.

And I think if anything, Mr. Smith's concerns broaden out this agenda so it's not something just parochial to the Highland Park community but that there are other aesthetic and park contributions around the City, including Herron Hill. And I think it was very informative to find out the history of that reservoir and it's usage by residents in that community which, apparently, were cut off in the late '60s.

So I just want to thank everybody for their support.

The Chair:

I'd like my remarks brought forward on this bill, please.

(REMARKS ON FOLLOWING PAGE)

(MR. WAGNER'S COMMENTS ON BILL NO. 2937 - Wednesday, 9/22/93)

Mr. Wagner:

Yes. Mr. Chairman, members of Council, I commend my colleagues for the movement that has occurred here and particularly the alternative bills in front of us that Councilman Ferlo has brought forth today and Councilman Ricciardi's suggestion to take that out, because that concerned me also, environmental impact. And I think the legislation is moving in a very positive direction; away from a legal advisor into an advisory committee with good representation from people that know a lot about water and people that represent the community and others.

I would still like to see one final amendment occur. I have read the legislation and nowhere in the legislation does it talk about the importance of the Highland Reservoir as being the most critical element in terms of the water resource within the City of Pittsburgh, and I believe that that issue has to stay as a dominant issue in this whole discussion.

We are all talking about the aesthetic and the recreational value. We all know, though, truthfully that the purpose of the reservoir is to provide a life sustaining product to the residents of the City of Pittsburgh; water. And it also is critical in many, many other ways; an emergency back up, to attract business to the city. One of our great economic resources to attract companies here is our water resource, companies like Heinz, Iron City, bottling companies. Polar Water is city water, has been city water traditionally, is simply filtered one additional time with a charcoal filtering process.

So I would like to see, Councilman Ferlo, if you would consider a friendly amendment somewhere in the legislation indicating that Highland 1 Reservoir is the most important reservoir in the water distribution system in the City of Pittsburgh.

(Deleted text.)

Wherever it fits well, I simply want anyone reading this legislation to understand that that is a dominant issue here and has to remain a dominant issue, because the original discussion of separating the reservoir out of the water system, I don't think can ever be discussed in regard to this issue.

(End of remarks)

Transcribed by: Helen L. Kriebel
Stenotype Reporter

Also,

Bill No. 3136

A Resolution entitled, "Resolution providing for an Agreement with Rosemary E. Skovran, for acquisition by the City of Pittsburgh of property of Ms. Skovran at No. 6 Queen Street, 24th Ward, City of Pittsburgh, and providing further for certain payments not to exceed \$15,500.00."

Which was read.

Also,

Bill No. 3137

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with Act No. 171 of 1984, entitled, 'Second Class City Treasurer Sale and Collection Act', effective December 11, 1984."

Which was read.

Also,

Bill No. 3138

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with Act No. 171 of 1984, 'Second Class City Treasurer Sale and Collection Act', effective December 11, 1984." (AS AMENDED IN COMMITTEE)

Which was read.

Mr. Ricciardi:

On Bill 3138, I'd like to make an amendment by adding a piece of property that I had been deleted until I was able to visit the

property. I was able to visit the property. It is before us in written form. It does have slashes through it; however, I think that would be acceptable to make an amendment to add that.

Mr. Ferlo seconded the motion.

Which motion prevailed.

Also,

Bill No. 3140

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with Act No. 171 of 1984, entitled, 'Second Class City Treasurer Sale and Collection Act', effective December 11, 1984."

Which was read.

Also,

Bill No. 3141

A Resolution entitled, "Resolution Repealing Resolutions, approved on various dates, authorizing the sale of properties in various wards of the City of Pittsburgh, in accordance with Act No. 171 of 1984."

Which was read.

Also,

Bill No. 3142

A Resolution entitled, "Resolution providing for conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, 'Second Class City Treasurer Sale and Collection Act', effective December 11, 1984."

Which was read.

Also,

Bill No. 3143

A Resolution entitled, "Resolution providing for conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, 'Second Class City Treasurer Sale and Collection Act', effective December 11, 1984, having been placed for sale to adjoining property owners for a sideyard."

Which was read.

Also,

Bill No. 3144

A Resolution entitled, "Resolution providing for conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, 'Second Class City Treasurer Sale and Collection Act', effective December 11, 1984."

Which was read.

Also,

Bill No. 3145

A Resolution entitled, "Resolution approving conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, 'Second Class City Treasurer Sale and Collection Act', effective December 11, 1984."

Which was read.

Also,

Bill No. 3150

A Resolution entitled, "Resolution transferring the amount of \$7,000.00 from Code Account 10

(001008), Accounts Payable Prior Years, to Code Account 1838, (183806), Miscellaneous Services, Department of Parks and Recreation."
---(SPONSORED BY MR. FERLO)

Which was read.

Also,

Bill No. 3162

A Resolution entitled, "Resolution authorizing and directing the Mayor to enter into an Agreement or Agreements for project coordination services in connection with the City's Operation Weed and Seed Program, in a total amount not to exceed \$44,500.00."

Which was read.

Also,

Bill No. 3169

A Resolution entitled, "Resolution transferring the amount of \$37,000.00 from Code Account 1804-3 Schenley Park Golf Course Trust Fund Transfer, Index Code 180430 to Code Account SPP, Special Parks Programs Trust Fund, Index Code 254359 in the Department of Parks and Recreation."

---(SPONSORED BY MR. O'CONNOR)

Which was read.

Mr. O'Connor:

Concerning Bill 3169, I think I've answered all the questions that came up last week and supplied Council with the materials needed. I want to thank them. I think this is an opportunity for Council to take a leadership role across the City. This is only a pilot program that we all must realize, but so far I've gotten a lot of calls from different organizations who want to join in and be

a part of it. I know a lot of schools are open, the communities do open them, but not at this magnitude.

Parks is only a catalyst here to open the schools and so many programs can come in and join in. The way I've been describing it is more or less a mall. Before you open the mall, you take the anchors. You take the Kaufmann's and the Penney's, and then all the other organizations come with it. So far, the community has accepted it and they've added on GED programs to come in, job banks, job seminars.

We look to have a grand opening on October 9th, Saturday afternoon, and I would invite all of Council to be there, not only for the grand opening but I think we have to play a major role in watching it and how it develops and how it works because we'll be either trying to fund it or looking for funding resources for this type of program all over the City.

I just want to thank Council. I think it really shows a positive direction. We were in a nice march in the North Side, Councilmen Darkins, Ferlo, Onorato and Smith, I know were there. It was a great community effort but I think we need things to support these people who put a lot of effort into their communities. I hope Council can play a leadership role to bring the communities together, that we don't only put up the money and things for police but this is the real answer, how we can work with our young people and get them on the right track.

Mr. Ferlo:

I would like my comments brought forward.

Mr. Cohen:

I'd like my comments brought forward also.

The Chair:

I would like mine brought forward also.

(REMARKS ON FOLLOWING PAGES)

(MESSRS. FERLO, COHEN AND WAGNER'S COMMENTS ON BILL NO. 3169)
(Wednesday, September 22, 1993)

Mr. Ferlo:

First of all, I want to applaud Mr. O'Connor because it is a very good program. He explained to me the dynamics of his efforts for the last year. I know his summer intern worked hard on this program. I think it is an excellent program. I think it is something certainly that is not unique to what is being discussed here today, but we actually have examples in not only my Council district, but I am sure throughout city where we have various kinds of programs going on either at or around the school focus with the school board and the school facilities.

I have no problem necessarily with the program. What I really resent and am upset about is the Administration sold this Council and pretty much forced this Council to reduce payroll and eliminate Parks and Rec's positions in terms of providing a lot of the services that we have had in the past. And now in the last couple of months, because of basically what amounts to a friendship relationship with one particular Councilmember, we now have the introduction and taking out of basically grants and donations and Code Account 10 money for a specific pilot program in one particular area.

Now, what I am upset about is if we are going to do this, then we are going to do it equally throughout the city. I resent the fact that we have cut back on Arsenal Park, Leslie, Dean's Field, you name it in my district, at least, and now all the sudden we are going to say, "It is all right to do it here in this one particular district."

So I am a little bit upset about how this has come to the table and the manner in which dollars are being utilized. That doesn't mean I don't support the program, that doesn't mean I don't appreciate Mr. O'Connor and his staff's work on this issue. But I think the Administration has a lot of gall coming to this table in the manner in which they are proposing to fund this program. As far as I am concerned, I will vote for it if I have to, but I will introduce something next week regarding \$37,000.00 for my district, because you decimated, you know, activities in my district, and now you expect me to vote for one particular program servicing one particular area.

(Deleted text.)

Mr. Ferlo:

I didn't finish my point and give up the Chair here.

My point is I don't dispute the effectiveness of the program and importance of the program. I can also point to many programs that I have been involved in with Boys and Girls Club, St. Mary's Arts Program in my district and a few others that I struggled to provide a very small amount of money with for those

groups through the grants and donations process of this Council. There is nothing unique about this. There are examples where this is going on at least in my Council district, but I don't think my district is different than some of the others around this table.

Again, I have no deference with the program and work that has gone into it. My concern has to do with the equality of resources from this Administration and from this Council. I would like to ask a procedural matter, and that is was this bill introduced -- when was this bill introduced and is this a waiving of Rule 8, today the bill?

(Deleted text.)

Mr. Ferlo:

I want to be clear on my statements earlier. First of all, I stated very clearly I applaud the initiative not only of Mr. O'Connor, but all the people that worked on this program, and I wholeheartedly support it. That is not issue to me, unfortunately.

As Mr. O'Connor said earlier, there will always be a couple individuals in the community that may criticize a program, and that is no reason to stop it and I encourage the program to continue.

What I feel is at issue here today. And unfortunately, it came up because of the introduction of Mr. O'Connor's proposal is all the sudden we have a change of policy now and we have an Administration that has come out of the twilight zone and wants all the sudden to start dealing with the need for youth services and programs, after basically systematically for a multi-year period cutting Parks & Recs and other programs. So that is great. I would like to hear them admit now that there is a change of policy, that all the sudden now they have come out of the twilight zone, and now we can all be privileged to the fact that we can do some proactive constructive planning in our districts on recognizing that we have a problem. The problem, as Mr. O'Connor stated, is not only in Hazelwood, it is city wide. In fact, we have a greater problem in some other neighborhoods that are outside of Mr. O'Connor's district, outside of Mr. Cohen's district, outside of Mr. Wagner's district, and maybe even outside of my district.

So again, my concern is now if we are going to support this program, which I wholeheartedly support the program, I want a recognition this we are going to move quickly and change the attitude and change the resource allocation to neighborhoods uniformly throughout the city where there is a critical need. To me, that is immediately the Homewood/East Liberty corridor, parts of the Hill and even parts of my district, and possibly even parts of the North Side.

That is what I am upset about. The reason why I would ask for a public hearing is because I am not going to let this off

the table while I have an Administration that is still playing Mickey Mouse games here in terms of the allocation of dollars in terms of programs that are needed for youth services.

(Deleted text.)

Mr. Cohen:

We have been talking about this for months, probably years, about opening up our school facilities. I would be remiss to not vote for this because even though it is in one neighborhood and not in a neighborhood that I represent, it seems to me that it is a pilot project that could be expanded to the entire city.

School facilities have got to be opened up to become community facilities because they have basketball courts, swimming pools, whatever, and are centrally located in every single neighborhood in the City of Pittsburgh. As Mr. Wagner said before, our school buildings are only utilized now between 7:00 in the morning and 3:00 in the afternoon. There is at least another eight hours they can be utilized. Given what has been going on in the city these days, it is a positive program, and I hope it is a positive program that we can expand to other neighborhoods, as needy if not needier than the neighborhood of Hazelwood.

I think it is an opportune time to do it now, because a month and a half from now we are going to begin the budget deliberations. We will then at least have a sense of whether it is a good expenditure of money. Is \$37,000.00 a lot of money for four months? Absolutely. The only way this project is going to be able to be expanded into other neighborhoods is if the school board steps up to the plate, the State Legislature steps up to the plate, and foundations in the City of Pittsburgh and corporations step up to the plate. But darn it, the City of Pittsburgh is stepping up to the plate right now. I think Councilman O'Connor should be commended for doing that.

Yesterday at the Council meeting, at the end of the meeting, we all I think expressed our collective frustration about what is happening in the public safety crises in the City of Pittsburgh. That was a very legitimate frustration we all expressed about how the State Legislature and the federal government really aren't doing their share. Well, here is a chance, it seems to me, to do our part. So I think it is something that we should all support.

Mr. Wagner:

I would like to jump in one last time. I hope we support each other here and not get involved in little conflicts, because we are all trying to do the same thing. Really, I see all of us coming up with even more creative ideas than is on the table now if this program works. I am just sitting here thinking if I could give the Carnegie Library \$35,000.00 money

in the Carrick branch next year, I'll bet they could stay open three or four nights a week simply with staffing, and that is precisely what all of us are trying to accomplish. And whether it is in a school building, in a library, whether it is in a parochial school building that needs staffing, whatever, we have to be innovative in our thinking on how we best utilize these dollars. I support Councilman O'Connor, I think everyone here does.

Mr. Ferlo:

One last comment very briefly. I will say I will vote for this because after Mr. O'Connor's statement, I don't want to undercut him in any way in terms of what I think, one, is sincere, two, I know he is hard working and he is trying to do something in a neighborhood that hasn't been served for a long time; Hazelwood. But what I am venting here is my frustration in the Administration and what we have gone through, in terms of cost cutting in areas where we should not have cut costs, and that is the youth areas, in the Parks Departments and programs in the districts throughout the city.

(End of remarks.)

Transcribed by: Helen L. Kriebel
Stenotype Reporter

Mr. Ferlo:

Again, I just want to reiterate my concern that I hope that the concerns and the attitude of this Council in approving this resolution will be embodied in the final operating budget that we pass come December. That's why I made the comment. I find it interesting that the Administration which has been on a multi-year effort to decimate the Parks' budget and the recreational activities within our own infrastructure now comes up and supports this program. But if they're willing to support it, great. I hope they're recanting and reconsidering their past policy, but I hope come budget time that our first responsibility is to support our own infrastructure. We have a lot of rec centers where programming is not happening anymore. I think we need to do that.

Also, I hope, as Mr. O'Connor says, that we can provide some resources even if it's in the form of challenge grants to community groups throughout the City and/or school parent groups who want to emulate the proposal that Mr. O'Connor and his staff worked so diligently on.

So, again, I hope that from Mr. O'Connor's bill today we can go into the budget deliberations and actually remold the Parks Department to take into consideration not only our own Parks facilities which we have decimated over the years, but also, as Mr. O'Connor says, other kinds of programming at the school level. So let's keep the momentum and let's keep it through the budget deliberations.

Mr. Ricciardi:

First, I would like to commend Mr. O'Connor for his initiative in opening up this particular school. I believe what Mr. O'Connor is doing, and I take a slightly different view than our colleague, Mr. Ferlo, it's the facility that counts and what the facility offers. It is true that we have

recreational facilities throughout the City of Pittsburgh, but in terms of offering educational recreational type of facility, the schools offer it the best. In terms of the equipment that's available from overhead projectors to computers, the schools are the best place this could happen. And I think what Mr. O'Connor is saying, this mall-type of approach is bringing everything under the same roof. So, obviously I thank him for his initiatives.

I have received several calls from my district since Mr. O'Connor has initially introduced the legislation, people that are interested in doing something South and South-West of the river. So, obviously we're going to be very involved in Mr. O'Connor's initiatives. And, if it works, it's something that we should try throughout the entire City of Pittsburgh. Obviously, the cost is always going to be a factor, and that's the reason we're going to have to be very mindful and very critical of this particular initiative. Critical not in terms of the negative, but in terms of the positive is, did it work and will it work.

I have discussed with Mr. O'Connor my interest in bringing over Healthy Start. Healthy Start is really targeted to help reduce our infant mortality here in the City of Pittsburgh, especially among the African-American community. So, I think that Mr. O'Connor has agreed that Healthy Start will be able to take part in the program.

So, again, I'd like to thank Mr. O'Connor. I'm looking forward to working very closely with him. And it's not the facility but what the facility offers in terms of not just the equipment but even the set up of the facility, which is very important.

But we also have to keep in mind that the School Board is pursuing something that parallels Mr. O'Connor's initiative, and that's Open Doors. So, hopefully we can be more in touch with Open Doors and see how successful

their program is going to be in the very near future. Thank you, Mr. O'Connor.

The Chair:

I'd also like to compliment my colleague. I think it's an innovative bill and I'd like to see it occur throughout the City, hopefully with more cooperation from the School Board with staffing in the future to reduce our cost.

Mr. Darkins:

I would like to add to that in regards to Councilman O'Connor. Of course, what Councilman Ricciardi has just spoken of, the Healthy Start Program, I don't think some of my colleagues on Council are aware or know that this program itself was implemented and came through the Mayor's Commission on Families. Somewhere along the line it was sidetracked and monies went from the City to the County instead of the program coming to the City where it belongs. So, Councilman O'Connor, it really would be nice as we go on down the road here, if Healthy Start would be a part of the program.

It's a shame what has happened in regards to the Healthy Start Program. I don't know if you know about it. It was definitely geared to the African-American communities. Someone made a deal and, of course, the news media always comes to me and says, "What are you talking about?" They made a deal. The deal was through the Mayor's Commission on Families that this program was definitely for the African-American communities. The City did not have a Health Department that this should be funneled through, so it went to the County. So, the County is overseeing the City and I'm opposed to things like that. I feel it's something that should be coming to us and we're not getting in it's entirety. And now, Bob O'Connor, you have come up with a program and I hope and trust that we will be able to fit it in because it is very much needed.

I have been to several of the meetings with Councilman Ricciardi in the Beltzhoover area and with the Reverend Bly of St. Paul's A.M.E. Church there. I've been to several of those meetings and it's a time that we really need help. Not just the African-American community because I'm an African-American, but so many times we are slighted and deals are made. And when we wake up out of our sleep, it's all over. So I hope this can be a part of it.

Mr. O'Connor:

I would certainly encourage Healthy Start. I think Councilman Ricciardi mentioned it to me. I know we supported them and SIDS, and we want to bring that need into our community.

Mr. Onorato:

I just want to end by saying congratulations to Councilman O'Connor. This is another example where this Council body has stepped up to the plate to address the urban problems of this area. Everyone knows that we implemented community-oriented policing and a lot of times get criticized for addressing social problems just with police work. Well, here's a social side of the problem we're trying to address and every time we come up with a new program, to Councilman O'Connor's credit, this time it's with the recreational facilities, this body is the only one taking action. To date, I still haven't seen anything from the state or federal government as the cities are falling apart. But, once again, with the limited resources that we have, the limited power that we have, I see this body as being the most responsive to the problems that are affecting the urban areas, both in the City and outside the City.

The Chair:

Is there any further discussion on the

bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 3188

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of the Afro-American Heritage Parade Association, Inc., P.O. Box 2165, Pittsburgh, PA 15230-2165, the amount of \$2,000.00 in payment for professional services rendered to Council, chargeable to and payable from Code Account 1001-1, City Council." ---**(SPONSORED BY MR. SMITH, MR. COHEN, MR. DARKINS, MR. FERLO, MICHELLE MADOFF, MR. O'CONNOR, MR. ONORATO, MR. RICCIARDI AND MR. WAGNER)**

Which was read.

Also,

Bill No. 3189

A Resolution entitled, "Resolution providing for

the issuance of a warrant in the amount of Six Thousand Five Hundred Fifty Nine Dollars and Sixty Four Cents (\$6,559.64), without previous authority of law, to Environmental Research and Development Corporation, Margaret L. Neveling, C.F.O. for the furnishing and delivery of the Federal emission test for City of Pittsburgh converted natural gas vehicles."

Which was read.

Also,

Bill No. 3190

A Resolution entitled, "Resolution providing for the issuance of a warrant(s) in an amount not to exceed Sixty Five Thousand (\$65,000.00) Dollars, without previous authority of law, for payment to American Asbestos Control Company, John Palinsky, Service Manager, for the labor, supplies and equipment to decontaminate ceiling tile and duct work at the former West Penn AAA Building."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8

NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bills passed finally.

Mr. Darkins presented

Bill No. 3217

Report of the Committee on Public Works for September 22, 1993 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3101

A Resolution entitled, "Resolution granting unto Scott and Maryann Goodrich, 1431 Dickson Street, Pittsburgh, Pennsylvania 15212, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a fence on a portion of Ancy Way in the 27th Ward, 1st Council District of the City of Pittsburgh."

Which was read.

Bill No. 3146

A Resolution entitled, "Resolution granting unto the Port Authority of Allegheny County, 2235 Beaver Avenue, Pittsburgh, Pennsylvania 15233, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a bus passenger shelter on a portion of Ohio River Boulevard in the 27th Ward, 1st Council District of the City of Pittsburgh."

Which was read.

Mr. Onorato:

On Bill 3146, I just want to thank the Director of Public Works. This was a request I put in several months ago regarding a section of property along Ohio River Boulevard which is very dangerous where the school children have to take public transportation. The problem we had was that it was County-owned property, so the County and the City worked together with Port Authority and we will have the bus stop put in that location which is by the McKees Rocks Bridge. Thank you.

Also,

Bill No. 3147

A Resolution entitled, "Resolution granting unto Equitable Gas, 420 Boulevard of the Allies, Pittsburgh, Pennsylvania 15219, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a concrete slab and fence on a portion of Rankin Avenue in the 27th Ward, 1st Council District of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3148

A Resolution entitled, "Resolution authorizing the Director of the Department of Public Works to grant an encroachment permit to Elizabeth Filipiak, 1427 Transverse Avenue, Pittsburgh, Pennsylvania 15210 for a fence on a portion of The Boulevard in the 29th Ward, 3rd Council District of the City of Pittsburgh."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Ferlo presented

Bill No. 3218

Report of the Committee on Planning, Housing and Development for September 22, 1993 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2973

A Resolution entitled, "Resolution providing for the designation as a Historic Structure under Section 513 of Chapter 1007 of the Code of Ordinances that certain structure known as the John Wesley A.M.E. Zion Church, more particularly located at 594 Herron Avenue (Block and Lot Number 27-A-158) in the Fifth

Ward, City of Pittsburgh."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 2733

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to act as agent for the City of Pittsburgh to enter into agreement of sale to acquire title in fee simple to certain lot or piece of ground in the First Ward of the City of Pittsburgh for public use ancillary to the construction and use of the public safety complex for streets, court house, jail etc. and authorizing payment therefore and other necessary or incidental expenses relating thereto."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Wagner
Mr. O'Connor	(Pres't)

AYES 5 NOES 3

VOTING NO:

Mr. Ferlo	Mr. Smith
Mr. Ricciardi	

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Onorato presented

Bill No. 3219

Report of the Committee on Public Safety for September 22, 1993 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3153

A Resolution entitled, "Resolution that the Director of the Department of Public Safety and the Chief of Police are hereby authorized and directed to, within ten (10) days of final passage

of this Resolution, research and study bicycle patrol units throughout the nation and develop a bicycle patrol unit for Pittsburgh."
---(SPONSORED BY MR. ONORATO)

(AS AMENDED IN COMMITTEE)

Which was read.

Mr. Onorato:

I just want to thank my colleagues for supporting the bill.

Councilman Smith, I thank you for your friendly amendment which was added in. In addition, I spoke with the Director of Public Safety and he agrees to look at the problem of putting an officer in each district along with Chuck Hydovitz who is developing the plan. And they assured me that the plan will come before Council before any money is spent.

I should mention, since last Wednesday's discussion two more bicycle companies have come forward. The Public Safety Director feels very strongly that this pilot program will cost the City little, if not nothing, due to donations.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Ricciardi presented

Bill No. 3220

Report of the Committee on Engineering and Construction for September 22, 1993 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2938

A Resolution entitled, "Resolution authorizing and directing the Director of Engineering and Construction to prepare and forward a feasibility and cost assessment report concerning Highland Reservoir No. 1 to City Council."
---(SPONSORED BY MR. FERLO)
(AS AMENDED IN COMMITTEE)

Which was read.

The Chair:

This is the bill that was amended in the Finance Committee.

Mr. Smith:

I believe we have before us a bill by substitution that would handle the amendments. I'm in agreement with the substitution as presented to each and every Councilmember on Bill 2938 and would like to move for its approval.

Mr. Ferlo:

When I made my motion, I actually made a motion earlier to vote on both bills.

The Chair:

The substituted bill is in front of us.

Mr. Smith:

Okay.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

MOTIONS AND RESOLUTIONS

Mr. Ferlo:

Very briefly. I think most Councilmembers probably received a letter from Director Hayllar dated September 14th regarding City employees' health insurance coverage. If I

understand this letter correctly, and again, I just want to make a statement, I'm not personally involved. I have one of the health care plans that I guess is going to be continued by the City. But apparently, and I'm not sure how many employees are affected, I've heard as many as 800, I don't know if that is the case, but apparently the City is attempting to reduce the number of health care plans that are offered to their employees. Judging from his letter, I assume this is being done by the Director himself and not pursuant to any collective bargaining agreement, although that is actually one of my questions.

The gist of the letter is informing all employees that over the next month when there is the open enrollment period, which I think ends the middle of November, City employees will have to notify Finance in the Benefits Office as to what they will continue to have in the future. But specifically, this letter states that two of the plans will no longer be accepted. That is Aetna Health Plan and U.S. Healthcare. The other three, Blue Cross/Blue Shield, Health America, and I think Keystone is the third one, would be continued.

I have a number of concerns. One is, procedurally I'm trying to understand how this is being done. And I guess my motion or my question to the Administration is, and if they could follow up on this, legally, how are they doing this elimination without a resolution to Council. I would like that in the form of a letter to the Administration.

Secondly, I have a concern, if they does make sense and this is a good thing, I still don't understand how they've chosen what health plans. There's a suggestion in this letter that the staff did an evaluation and they have a report. I don't know if any Councilmember has a copy or if they forwarded it. Mr. Smith has a copy of the report. I would like to get that information.

Thirdly, is the time period. It seems like

it's somewhat abrupt. Especially people who maybe have health care problems and have been recently seeing a physician, it seems somewhat abrupt to let them know just a month ahead of time that they're no longer going to be able to have or continue the health care coverage in those two specific plans. So I have a concern about that.

Fourthly, there has been some suggestion, at least by the Paramedics who have contacted me, that some of the other plans that they're keeping are actually more expensive than the two that they're no longer going to allow employees to be enrolled in. And I guess I need a clarification on that issue also.

So, I guess what I'm asking is that if Council would consider these questions and others that maybe Councilmembers would like to speak to -- I guess I feel like this is somewhat abrupt. I do think it should come before Council for discussion and, actually, I think Council should vote on this matter. And, again, I don't think this is a collective bargaining issue and I think it's really an issue that should come to this Council by way of a resolution of Council.

So, I guess I'm concerned about all these issues and I really would not like to see this be enacted by the Administration until it's deliberated by this body.

The Chair:

When is the effective date?

Mr. Ferlo:

The letter implies that the open enrollment period will be during the month of October and November. I assume the effective date would be the end of this year, beginning January 1.

Mr. Smith:

December 31st.

Mr. Ferlo:

And also, how many employees? I've heard as many as 850 will be losing their two health plans, Aetna and U.S. Healthcare. I'd like to know that also.

Mr. O'Connor:

Mr. Ferlo, I think you brought up a very good point. In a brief discussion with the Director walking down the hall, I was very disappointed. I think it was poor management because we made a major decision in June in my family to switch to one of these, Aetna, and here we are two months later telling us it no longer exists. If this was going to happen, it should have happened in June before a lot of people switched. I understand it may be a cost-cutting procedure, but I agree with you that we ought to know the numbers, if there is a significant benefit, and why.

And I know U.S. Healthcare, the other provider, I know they just purchased a building by the Airport and are moving their company here. I realize it's not in the City but the are in the region and I've noticed they've really done some fantastic advertising. I would like to work with them and every other group in the City if we can.

So, I think you bring up a good point, Councilman Ferlo, and I would like it at least brought to the table and see where the savings are and why they're taking this procedure.

Mr. Ferlo:

Just as a follow up. Again, depending on how many employees are a part of the other two plans, especially for an individual who may have pre-natal care, pregnancy care, for an individual

who may at some point be seeing a specialist that actually has elective surgery or some pending surgery, it just seems like the timetable should have been spread out more. If it makes sense to do it, I still believe that this Council should vote on it.

And, two, I think the period of time that we inform the employees that they're about to lose something should be much greater than just a month and a half.

Mr. Smith:

I actually have in my hands the comparative cost analysis of each and every one of the insurance companies. Based on the letter that talks about shared value of cost, I still don't understand how this Administrative move has precipitated and what kind of cost savings they'll be.

I also find it very ironic that one of the insurance companies we're dropping was actually a participant in the resolution that we gave today on fire safety and home safety, and that their public outreach is very positive. Plus, their costs, from what's in front of me, is the cheapest per person than anyone.

So, I would like to definitely support and hope that we can actually call to the table for some discussion based on Mr. Ferlo's letter as to what the overall costs are. And it may very well be that there is a good reason to attempt this, but, as we are removing two options, as Mr. O'Connor just pointed out, he opted into the plan. And if we could not foresee a radical savings, then why did we even allow an open enrollment just a few months ago in order to participate in this plan?

But I would like to share with everyone in Council, and I'll give it to Michael to share, all of the costs as we have the breakdown in front of me. And I would ask all of my colleagues,

because each and every one of us belong to various health plans, and if we are at the whim of Administrative decisions in non-yearly basis, then I think we all need to address that particular issue to ensure that whatever we choose we have at least for the minimum granted year that we sign up and that no one ever faces this again in the City in an administrative move.

I've been with my health care plan for 16 years now and would be very upset if someone decided administratively to remove them from the health care program that we offer.

So, if my fellow Councilpersons would support not only the letter from Mr. Ferlo but an opportunity to have a face to face dialogue with the Administration, for them to show us why this is advantageous for the City and how we can address the individual issues of pregnancy which lasts nine months, any type of on-going care with particular entities.

So, I would like to have a face to face dialogue after we send our letter.

Mr. Ricciardi:

I support Mr. Ferlo and Mr. Smith's requests. Mr. Smith is correct in pointing out the numbers that our shared costs and our overall costs with Aetna is much lower than the other health maintenance organizations. We do currently have four HMO's and if the numbers are correct, in Health America we have 1,200

employees. In Keystone we have 400. The two that we're dropping, Aetna, we have 800 and U.S. Healthcare, we have 40.

So, I understand the reasoning behind what they're saying, why we're dropping for administrative reasons; however, this morning I requested them to break that down and show where the true savings are. And it's just ironic that we would drop Aetna with 800 and keep Keystone. I'm not saying we should drop Keystone, but I'm saying there are probably issues that need to be discussed at this table so we can better understand why we're dropping two HMO's.

Mr. O'Connor:

U.S. Healthcare happens to be one of the major sponsors of the Great Race, too.

The Chair:

Thank you.

Mr. Darkins moved to excuse Michelle Madoff for absence from the meeting.

Mr. Cohen seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Smith**

Council adjourned.

MUNICIPAL RECORD

Proceedings of the Council of the City of Pittsburgh

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No. 38

Municipal Record

ONE-HUNDRED TWENTY-SEVENTH COUNCIL

JACK WAGNER President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON-WASLER.... Asst. City Clerk

Pittsburgh, PA
Tuesday, October 5, 1993

PRESENT:

MR. COHEN	MR. ONORATO
MR. DARKINS	MR. RICCIARDI
MR. FERLO	MR. SMITH
MR. O'CONNOR	MR. WAGNER
	(Pres't)

ABSENT:

MICHELLE MADOFF

The Meeting was opened by the recitation of the Pledge of Allegiance to the Flag of the United States of America, and a moment of silent prayer for peace throughout the world.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Cohen presents

No. 3251 WHEREAS, the Interfaith Volunteer Caregivers, established in March of 1991 with a grant from the Jewish Healthcare Foundation, is a network of churches and synagogues which mobilize, recruit and train volunteers to assist older adults; and

WHEREAS, the Interfaith Volunteer Caregivers is a non-profit organization that trains volunteers to provide older adults with companionship, shopping, escorting and a variety of other services, which will improve their access to their community and enable them to remain independent and in their own homes; and

WHEREAS, the Interfaith volunteer Caregivers Program, which exists in 400 other communities throughout the nation, currently works closely with other community groups and social service agencies and is affiliated with sixteen different congregations in the City of Pittsburgh; and

WHEREAS, on Tuesday, October 5, 1993, at 7:30 p.m. at B'nai Israel Congregation, the Interfaith Volunteer Caregivers will formally recognize and honor the more than 250 persons who have received their training and who are actively volunteering their time to improve the quality of life of older residents in the City of Pittsburgh.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends the Interfaith Volunteer Caregivers for their contribution and dedication to improving the lives of senior citizens in the City; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh declares Tuesday, October 5, 1993 as "Interfaith Volunteer Caregivers Day" in the City of Pittsburgh.

Mr. Cohen moved to adopt the resolution.

Mr. Ferlo seconded the motion.

Which motion prevailed.

Mr. Cohen:

We have with us a great selection of people from the Interfaith Volunteer Caregivers and I'd like to introduce them if I could.

The Reverend Riffle who is the President of the group. And we have Millie Sucov who is the Executive Director. Kathy Neumeyer who is the Program Assistant. Mr. Milton Schneiderman who is the Volunteer Coordinator for Temple Sinai, one of 75 I understand. And, also, Gloria Burns who is the Volunteer Coordinator from Macedonia Baptist Church. It's a pleasure to have all of you here today.

This is a terrific organization. This is volunteerism at it's best because these people and many, many others who volunteer, are going out every day to help older Pittsburghers who need assistance to get that assistance, and that's everything from going to the grocery store to transportation say to a rehabilitation institute, even a reading for those who are visually impaired or writing letters for those who are blind

or visually impaired.

The way Reverend Riffle put it to me just a couple of minutes ago is that they do anything that is necessary to maintain the independence of the people that you are working with.

So, thank you so much on behalf of City Council and the City of Pittsburgh for your fine work and I'd like to have Reverend Riffle say a few words.

Reverend Riffle:

A lot of people may not be aware of the need that surrounds us every day. But Allegheny County is surpassed only by Dade County, Florida in the number of elderly among our population. And that is across the whole nation. More than 66,000 people in the City of Pittsburgh are over the age of 65. More than 6,500 of those are over the age of 85. 23,000 elderly Pittsburghers are now living alone.

Interfaith Volunteer Caregivers exists to enable those to remain independent in their homes as long as it is possible. At the present time, we have 14 of our 23 affiliated congregations within the City of Pittsburgh, and they're located throughout the City, Squirrel Hill and the Hill District, Shadyside and Carrick and East Liberty, the Downtown area. We have volunteers that are going out every day performing tasks, as Councilman Cohen has shared with you, taking the elderly to their doctor appointments or taking them shopping, or doing the shopping for them if they are unable. Doing whatever tasks would be necessary.

We were contacted by a daughter living in California who needed to have her mother taken to the Airport, nearly blind and without any other assistance. So a volunteer goes to the home, picks them up, takes them to the Airport, and gets them on their way.

Other tasks that may seem unimportant but yet make life worth living would be one of our retired volunteers who goes once a week and simply plays cards with an elderly man that is living alone. And on one occasion during one of their conversations, he asked him, "If you could, what is the one thing in life that you would still like to do that I could help you do?" He said, "Would you take me down to the Dairy Queen for an ice cream cone?"

Something as simple as that was so very, very meaningful. And more than that. There's other things such as light housework or maintenance tasks, yard work. It involves people of all ages, from senior citizens volunteering to help other senior citizens, to youth groups that are joining together to take care of whatever tasks we can. The companionship, the telephone reassurance, whatever it may be.

I am very proud of this organization. Since March, 1991, we have seen the program continue to grow; and it has just been great to be a witness to what is happening.

I'm also proud to say that we are off and running on our own. We began with a grant from the Jewish Health Care Foundation, continue to receive partial funding from them for the next year. As a lot of organizations, we continue to look for future funding so that the program can continue to expand.

With our more than 250 volunteers that will be recognized and honored tonight, I am pleased to tell you that that amounts to this year over 3,000 hours. And that is a very conservative reporting figure. Over 3,000 hours of direct service have been provided to the elderly of Allegheny County.

So thank you for this recognition today and I would certainly hope that as we continue to

work side by side for the betterment of Pittsburghers that we could find some ways to be of more support to each other in this endeavor.

I would now like to ask our Executive Director, Millie Sucov, to say a few words.

Ms. Sucov:

I'd like to thank you, City Council, for providing us this platform to the larger community via the television, and for your interest in the program.

I think, as Reverend Riffle and Councilman Cohen have said, this is a program that has vital interest in our community. So many older people are in enormous need for simple acts of kindness that will enable them to live independently. The cost if we had to have everyone in nursing homes would be outrageous, way out of the realm of possibility. And we all know we're getting older, our parents are getting older, and staying independent is of enormous importance to people.

I just wanted to underscore that our program works throughout churches and synagogues and we are actively seeking to recruit additional churches and synagogues so that we can spread our network throughout the County. We're strong in the City. We have a big contingency in Mt. Lebanon. We need publicity, we need support, both moral and financial, to enable us to meet this enormous need. And I'm delighted that Council has provided us this forum today and we hope that we can look for support from you in every way possible. Thank you.

Mr. Cohen:

Thank you again for your terrific work and I hope you have a terrific celebration tonight.

Mr. Darkins:

I think this is a very touching thing that is being done here today and I'm so glad that Councilman Cohen looked and found this organization and to bring them in to Council to receive such an honor.

I noticed in your brochure that was passed out, and I like that quotation. I like it from the Book of Proverbs because this is every day life and we're dealing with every day life.

As I travel across this City and I recognize the elderly and the people that are being forgotten about, it's sad, because they were and still are our foundation in this life. And we must not forget them. We must continue to go forward. And I think it's beautiful when you can get churches and synagogues of all faiths and denominations to come together.

I want to say to Millie that there's a church located at 550 North Homewood Avenue, and we welcome your services to our congregation and to our entire membership. What you are doing and what we're all about, in my radio ministry, this is not State now, this is Church, but the City has brought you here, and in our radio ministry every Sunday morning from 11:00 to 12:00, that's our thrust, to reach the unreached, and to pick up those that have been trodden down. And the elderly people are of that nature.

So, I want to tell you today, Reverend, if you would have just said two more words, I would have said "Amen", and keep the work going because it's needed. And anything that I can do as a man of God, I'm there for you.

The Chair:

Thank you all very much.

Mr. Darkins presents

No. 3252 WHEREAS, WQED 13's "Black Horizons" is the longest running minority public affairs program on public television and has contributed to the positive self-image of Blacks and to the community; and

WHEREAS, WQED 13's "Black Horizons" celebrates its Silver Anniversary on Monday, September 27, 1993 and will feature many of the people who helped create and develop the program, along with footage of previous programs from the last 25 years.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh salutes the staff, crew members, former hosts, former guests and all those who have been a part of the entire operation of this very successful program and extends hope of continued success in their endeavors; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh is mindful that WQED 13's "Black Horizon" continues to move forward through many years of future success.

Mr. Darkins moved to adopt the resolution.

Mr. Ferlo seconded the motion.

Which motion prevailed.

Mr. O'Connor:

I have a resolution here for the Columbus 500 that I know will be followed by a resolution for the Columbus Day Parade. So it's quite a weekend in Pittsburgh, especially in the Italian community, and I'm very proud to read this proclamation.

**Mr. O'Connor and all Members of Council
present**

No. 3253 WHEREAS, in 1991, under the leadership of National President of the Sons of Columbus of America, Inc., John R. Paciotta, the Columbus 500 Committee began work on the restoration of the Christopher Columbus Monument, which had deteriorated after thirty-four years of exposure to the elements; and

WHEREAS, the restoration of the Columbus Monument is an affirmation of the American people's belief that symbols, such as the Columbus Monument, stand for the possibilities of America's future as well as reminders of its past; and

WHEREAS, the renovation of the Christopher Columbus Monument represents over a year of hard work, cooperation, perseverance and donations of labor, materials and vision, by artists, contractors, craftsmen and an architect, including:

Tom Bryan, Jr.
Aubrey Caplan
Henry Carlini
Marlene Rende Cassidy
Emeric Criscella
Umberto DiNardo
Michael Facchiano
Ernest Fagnelli, Jr.
Pat Ionadi
Eleftherios Kardadoulias
John A. Kudravy
Patricia Reskovac Majors
Mayor Sophie Masloff
Joe Moses
Joe Natoli
John R. Paciotta
Angelo Pugliano
Louis Sapp
Frederick Sargent
Max Sestili

Salvatore Sirabella
Arthur Trunzo

WHEREAS, these dedicated individuals will be honored at the Sons of Columbus Banquet on October 9, 1993 and a Dedication Ceremony at the Columbus Monument on October 10, 1993.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh takes pride in the monuments that represent the City's heritage and patriotism; and acknowledges the uncommon dedication required by so many individuals to make the restoration of the Columbus Monument possible; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh declares Saturday, October 9 and Sunday, October 10, 1993 as Sons of Columbus Days in the City of Pittsburgh.

Mr. O'Connor moved to adopt the resolution.

Mr. Onorato seconded the motion.

Which motion prevailed.

Mr. O'Connor:

If you haven't had the opportunity, I know with the Schenley Park Bridge being repaired and hopefully it will be finished by the end of the year, it's a beautiful statue and it's really a credit to all these individuals who restored it. I know we have a dinner Saturday and after Mass at St. Paul's Cathedral, we will have a dedication there and hopefully everyone turns out. It's really quite a tribute and a beautiful statue.

Mr. Paciotta:

Council President, Council Members,

friends and guests. It's a great honor to be here this morning to have this honor bestowed upon us.

In 1988, we had a convention here, Sons of Columbus of America. And we decided at that time that we would have our next convention in 1992 to celebrate the quintcentennial of our country.

In 1958, the Sons of Columbus unveiled the monument that's in Schenley Park and presented it to the City, which was a great accomplishment through the Sons of Columbus and all of its friends. But in that time it had deteriorated quite a bit.

So, as time grew near, I thought that maybe we could get quite a few of the Italian organizations together to have one big celebration in 1992, and we formed the Columbus 500, in accordance with the 500 years of our country. When we started this, the idea came up on the restoration of the monument and, believe me, I knew what Christopher Columbus felt like when he tried to cross the ocean.

I talked to my good friend, Art Trunzo. I don't like to mention names because you always leave somebody out, but I talked to Art Trunzo, Joe Natoli, Marlene Cassidy, I wrote the Mayor a letter, to see if we could do something in the restoration of the monument. Art got John Kudravy and we went up and looked at the monument. And as we went over the things of the monument, John Kudravy is asking me, what would you like to do here? I said, I'd like to have this, I'd like to have this. And it was just like looking through the catalogue at Christmastime. He said he'd come back with an estimated cost.

Well, when he came back to us and told us that what we wanted would cost \$150,000, I said it will never happen. But we stuck with it. We started writing letters. And with the officers I

had and the people that we communicated with, we started getting some end results. And just prior to the October 12th date, we were very proud to say that we did complete the restoration. In fact, today my Vice President, Umberto DiNardo, is up there and we are installing two fountains that will be in the reflection pond. That will be a new addition to the monument.

But it was a great task it could not have been done without the people that Bob mentioned. And I want to thank all of them. And just for a few moments here, I would like to introduce my trustee, Pat Majors, and Chairman of the Board of Trustee, Marie DiNardo. And my right hand over there, even though she's not an officer of our organization, Marlene Cassidy. I think I talked to her more than her husband did. So I'm just going to let them say a few words and they'll tell you about our banquet and services that we're going to have.

And I want to thank you again for this opportunity. Thank you very much.

Ms. Majors:

Mr. President, Councilmembers, Mr. Paciotta, guests and friends. I'd just like to say what an honor it was to have a part in the restoration of the Christopher Columbus Monument. I think it's a tremendous achievement when a City as great as Pittsburgh can look at this historical value of these monuments and preserve a little bit of our history. So many different areas have torn down the old monuments and put up new ones, and they forget where they came from.

One thing I've learned in this past year working with the monument restoration is that monument is representative of each and every one of us, our families, those who emigrated into this area, and the truly wonderful life that we have here in the City of Pittsburgh. And I thank you for

your help and your opportunity.

On Sunday morning there will be an unveiling of the commemorative plate at the monument at 11:00 a.m. Immediately following, there will be a reception held that I'd like to cordially invite all of you to attend, and it is provided compliments of Columbus 500. Thank you.

Ms. DiNardo:

Council President, Councilmembers and friends. It's a pleasure to be here this morning to accept the proclamation for the Sons of Columbus. Our banquet will be held on Saturday, October 9th, at the Pittsburgh Hilton, and it's a pleasure to honor all these people who contribute to the restoration of the Columbus Monument. It's really a sight to see, and I hope everyone comes up to see it.

On Sunday morning at 10:00, there will be a Mass at St. Paul's Cathedral, and following the Mass is the ceremony at the monument. Thank you.

Ms. Cassidy:

Good morning. I just want to say that it was an honor and a pleasure to work with all the people involved in the Columbus 500. I made a lot of good friends, and I know my grandfather is very proud of me. Thank you.

The Chair:

I just want to add, since the dedication a year ago, I have seen these people and many others out there on Saturday and Sunday mornings doing maintenance, pulling weeds, and really keeping that monument looking as it did the day it was dedicated. Thank you.

Mr. Onorato:

At this time I'd like to call up Jay Costa, the Register of Wills, Joe Natoli, Director of Veteran Affairs, and Art Trunzo.

I should state that this resolution is by all Councilmembers and I am reading on their behalf. Not just the Italians, every Councilmember.

Mr. Darkins:

Can I stand with you?

Mr. Onorato:

You can be the other bookend, Councilman.

Mr. Onorato and All Members of Council present

No. 3254 WHEREAS, the Columbus Day Parade committee is an organization consisting of representatives of all of the established social and cultural Italian/American groups in the area; and

WHEREAS, this year, the 9th Annual Columbus Day Parade & Festival will take place on Monday, October 11, 1993 from 11:00 a.m. - 1:00 p.m. and will be televised on WPXI, Channel 11 for the 2nd year in a row; and

WHEREAS, the 1993 Parade will be dedicated to the memory of Pennsylvania State Supreme Court Justice Michael A. Musmanno who died on Columbus Day 25 years ago. Michael A. Musmanno was one of the first Italian/American Judges. He was a very noted scholar with a flamboyant personality. Michael A. Musmanno was a Judge at Nuremberg and was also a staunch defender of Columbus discovering America prompting him to write a

book on the subject; and

WHEREAS, on the morning of October 11, 1993, the Historical Society will dedicate a plaque at the Musmanno family home recognizing the birthplace of Judge Musmanno; and

WHEREAS, the 1993 Columbus Day Parade and Festival will be honoring Italian Women in this year's celebrations with the theme of "Proud Traditions: The Italian/American Woman"; and

WHEREAS, Columbus Day Parade Committee will sponsor a Naturalization Ceremony where they will be host for 100 new citizens. The ceremony will take place Friday, October 8, 1993 at the Columbus Statue in Schenley Park.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby recognize and commend the Columbus Day Parade Committee for their outstanding contributions to the Italian/American community as well as the entire City of Pittsburgh, and for their acknowledgement and recognition of those honored at the 1993 Columbus Day Parade and Festival.

Mr. Onorato moved to adopt the resolution.

Mr. Ricciardi seconded the motion.

Which motion prevailed.

Mr. Onorato:

Colleagues, I'd like to have the individuals here explain exactly about the tradition and history of the parade, and I'd like to start with Jay Costa, Register of Wills for the County of Allegheny.

Mr. Costa:

Mr. President, Councilmembers, I'm here this morning on behalf of my brother, Guy Costa, who is the Pittsburgh Columbus Day Parade and Festival Chairperson. Guy would very much like to be here this morning; however, he is down at Channel 11 filming a program that is going to be aired Saturday morning talking about the specifics of the parade and also about Justice Musmanno and also the honorees.

On behalf of Guy and the Columbus Day Parade Committee, I'd like to personally thank Pittsburgh City Council and the Mayor's Administrative Office for all the assistance that they've provided throughout the years for this parade.

As a member of the Parade Committee, as a person whose family has participated in the parade since its inception, I recognize first hand how important the work that the City of Pittsburgh has done over the years and how they've allowed us to continue to express and to show what our Italian culture and heritage is all about.

So, I want to thank you on behalf of the Parade Committee and welcome everyone to the naturalization ceremony, all the festivities of the weekend at the Pennsylvanian, and also to the parade on Monday. And if you can't attend the parade on Monday, please feel free to sit home and watch it on Channel 11 at 11:00. Thank you very much.

Mr. Onorato:

I'd like to ask someone that I'm sure everyone here knows but you might not recognize without the cigar. Joe Natoli.

Mr. Natoli:

Mr. President, my friends on Council, really I wasn't prepared to speak but I'd like you to know that when they started this parade and festival thing, it started with Frank Lucchino, then it went to Sal Sirabella, and last year and this year Guy Costa who couldn't be here today but has really been putting a lot of work into this thing and it has developed real nice. In fact, I've seen a lot of parades in this City and, without a doubt, it's one of the finest parades that you'll see. And, of course, it's on TV too.

So, it's developing every year and it's getting better and better with guys like Art Trunzo who will say a few words, I'm sure. And we appreciate this very much and I think you're going to see a very exciting parade. Every year there's something a little bit different. And, of course the next guy that will be speaking is head of the floats and I don't think there's any parade in the City of Pittsburgh that has as many floats as the Columbus Day Parade.

By the way, I'm the Festival Chairman. We have a short festival down there for a couple of hours after the parade and you're all welcome to come there. We have a little bit of a state show, I Campagnola and the skydivers and the hayrides. It will be a short time, maybe two or three hours following the parade, but it will be very enjoyable. Thanks again. I appreciate being here.

Mr. Onorato:

Finally, we have Art Trunzo who is currently chairing the Float Committee.

Mr. Trunzo:

Mr. President, Councilmembers, I'm also the Parade Director.

I'd like to thank you for the honor you've bestowed on us today, but I'd really like to talk more about the naturalization act that's going to take place on Friday. We're all sons of immigrants to this country but unless you've ever seen a naturalization ceremony, it's something to behold. It really makes you appreciate what your parents went through, your grandparents. There will be 100 people taking the oath on Friday at 10:00 a.m. over at the Columbus Monument.

What happens is that the Western Pennsylvania Court actually moves to that site. It will be a Federal Judge; Judge William Standish will be officiating that day. And it's really something to behold. You have to come out and see it. We have six color guards, we have the U.S. Marine Corps Color Guard going to be there, we have a 30 piece band that's going to play, various officials from the County, the City, the State. So we'd really like to see you come out.

Our parade is, once again, on Monday. There are 23, 24 bands, 20 floats, various special event groups, all the City Councilpeople will be there, the Mayor is coming. So we'd really like to see you come to our parade and to our events this weekend. Thank you.

The Chair:

Thank you all very much.

Mr. Ricciardi:

I'd like to ask our honored guests, Bonnie Reinhart and Stephen Haluszczak, to please come forward. Today I'll be reading a resolution honoring Ukrainians and their traditions.

Mr. Ricciardi presents

No. 3255 WHEREAS, on Saturday, October 9th, and Sunday, October 10th, Pittsburgh Ukrainians will celebrate their Annual

Festival, The Ukrainian Renaissance Fair at the Cathedral, in the Commons Room of the Cathedral of Learning; and

WHEREAS, this year's Renaissance Fair is the 12th annual festival and celebrates the second anniversary of modern day Ukrainian independence. The Fair presents a unique opportunity to learn about modern day Ukrainians and to become acquainted with Ukrainian churches, organizations and community life in Pittsburgh; and

WHEREAS, the Ukrainian Renaissance Fair at the Cathedral will consist of educational presentations, arts and crafts displays, exhibits, minstrels, dancers, craft demonstrations, a children's court, and the sale of traditional foods, baked goods, and cultural items. The Folk Art Competition will feature bread baking, Pysanky Eggs, and Embroidery. A Cabaret will be held on Saturday night and an A Cappella Choir Concert will be held in the Heinz Chapel at 6:00 p.m. Sunday evening; and

WHEREAS, proceeds from the Ukrainian Renaissance Fair at the Cathedral will benefit the Ukrainian Nationality Room programs at the University of Pittsburgh and local charities.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby recognizes and commends the contributions of Pittsburgh's Ukrainian population and declares October 9-10, 1993 as "Ukrainian Renaissance Fair at the Cathedral Days" in the City of Pittsburgh.

Mr. Ricciardi moved to adopt the resolution.

Mr. Smith seconded the motion.

Which motion prevailed.

Mr. Ricciardi:

I'd like to ask Stephen Haluszczak to please come forward and tell us about these two exciting days, October 9th and October 10th. Also, my father-in-law is listening very carefully, so we need to say something in Ukrainian.

Mr. Haluszczak: (translation)

Mr. President, Councilman Ricciardi and Councilmen, greetings from the Ukrainian community in Pittsburgh. We thank you and we invite you all to come to our festival on the 9th and 10th of October of this year.

We would further like to thank City Council for their support in the past, and we look forward to your continued support in the future.

The Ukrainian Festival seeks to preserve and promulgate knowledge of the Ukrainian culture, of which there are many Ukrainians living in Pittsburgh. As Councilman Ricciardi had said, we feature ethnic food, folk dance, folk music, interesting cultural displays, and fun for people of all ages.

Thank you again.

The Chair:

Thank you.

Mr. Smith:

Would Ms. Dunn come forward?

This is a resolution that really should go to every community in the City of Pittsburgh, but Dan and I share a large territory commonly called the North Side, so we are presenting this resolution.

Mr. Smith and Mr. Onorato present

No. 3256 WHEREAS, Mark L. Singel, Lieutenant Governor and Acting Governor, has proclaimed the month of October, 1993 as "Local Chamber of Commerce Month" in Pennsylvania; and

WHEREAS, business leaders, entrepreneurs and professionals throughout the Commonwealth have demonstrated a true concern for the welfare of all citizens, and have worked diligently to ensure Pennsylvania's economic prosperity for future generations; and

WHEREAS, the Keystone State's 240 local Chambers of Commerce, representing over 250,000 businesses, work as independent organizations to build and improve their cities, counties and the Commonwealth of Pennsylvania; and

WHEREAS, the North Side Chamber of Commerce has worked to promote the advancement of the North Side business, including a sincere concern for community awareness and the needs of the citizens they serve; and

WHEREAS, it is important for the residents and businesses of the North Side to recognize and appreciate the countless contributions the North Side Chamber of Commerce has made to the quality of life we enjoy today.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby proclaim the month of October, 1993 as "Local Chamber of Commerce Month" in the City of Pittsburgh.

Mr. Smith moved to adopt the resolution.

Mr. Onorato seconded the motion.

Which motion prevailed.

Mr. Smith:

Ms. Dunn is with the North Side Chamber and she's accepting it and I'd like her to say a couple of words.

Ms. Dunn:

Thank you. On behalf of the Board of Directors and the businesses that the North Side Chamber of Commerce serves, we would like to thank Pittsburgh City Council for joining Acting Governor and Lieutenant Governor Mark Singel in proclaiming October as Local Chamber of Commerce Month, and for your support and recognition of the accomplishments of the business community, not only in the North Side but throughout the City of Pittsburgh and throughout the State of Pennsylvania. Thank you.

The Chair:

Thank you.

Mr. Smith presents

No. 3257 WHEREAS, Mrs. Estelle Harris Blanks was selected by the Woman's Auxiliary of the NAACP, Pittsburgh Branch, to receive the Daisey E. Lampkin Award for her continual, benevolent service to human kind; and

WHEREAS, on Sunday, October 10, 1993 the Hill District AARP Chapter 4706 will honor Estelle Harris Blanks at Ebenezer Baptist Church; and

WHEREAS, Estelle was born in Lowndes County, Alabama in 1893 and will be 100 years old; and

WHEREAS, Estelle's work in the NAACP began in 1909 when she was inspired by W.E. B. DuBois. Her work has continued through membership drives, protest marches and other efforts which have helped the causes of African Americans; and

WHEREAS, Estelle taught school before she married Lee T. Harris. To this union two children were born - Dr. Jody Merritt Harris of Philadelphia, and Marie C. Harris Hutton, R.N. of New York City. She has three grandsons and one granddaughter; and

WHEREAS, Estelle married the late L. Blanks in 1935 and both became members of Ebenezer Baptist Church. She has been Supervisor of the Junior Church and Vice President of the Mission Board and the Mother's Club; and

WHEREAS, Estelle attended the University of Pittsburgh, and shared her knowledge and skills with many groups in her community, including the Duff Street Block Club, the Hill District Community Council, the National Council of Negro Women, the Auxiliary on the National Organization of Sleeping Car Porters, the Tuskegee Club, the Vann Elementary School P.T.A. and the Eastern Star Adah Chapter 17; and

WHEREAS, Estelle has been recognized by the YWCA and the NAACP for meritorious and unselfish service to the Greater Pittsburgh Community, and has been an inspiration to her family, neighbors and friends.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh, on the celebration of Estelle Harris Blank's one hundredth birthday, gives praise and honor to her for her contributions to mankind, and proclaims her birthdate to be Estelle Harris Blanks Day in the City of Pittsburgh.

Mr. Smith moved to adopt the resolution.

Mr. Ferlo seconded the motion.

Which motion prevailed.

Mr. Smith presents

No. 3258 WHEREAS, the dedicated and committed service of Harvey Adams, Jr. to the community demonstrates his genuine caring and deep determination to improve the lives of City of Pittsburgh residents; and

WHEREAS, Harvey Adams has devoted his life and energy to his wife, Shirley, and three children, Mickey, Harvey III, and Carol; and

WHEREAS, as former President of the NAACP - Pittsburgh Chapter from 1976 - 1992 - Mr. Adams played an instrumental role in advancing the goals and influence of the NAACP in the Pittsburgh Region. For outstanding community service under the auspices of the NAACP, he received the "Homer S. Brown Award" and was also awarded the "Humanitarian Award" by the PA State Correctional Chapter of the NAACP; and

WHEREAS, Harvey Adams, Jr., for the past forty years has organized innumerable groups and programs in the Pittsburgh area, including the National Black Caucus on Police Human Relations. Mr. Adams was also the Founding Father of Guardians of Pittsburgh. Not only has he guided and organized the community, but has also served as Director of the Housing Authority Police since 1980; and

WHEREAS, Mr. Adams' quest to improve the Civil and Human Rights of the people living in the City of Pittsburgh has taken him to state and national government to testify on policy legislation which impacts African-

Americans. Harvey Adams, Jr. launched the Pittsburgh Free South Africa Movement and was granted a private audience with the Honorable Nelson Mandela in 1991; and

WHEREAS, the numerous awards received by Mr. Harvey Adams have included: The Sears "Outstanding Black Men Award", the proclamation of "Harvey Adams Day" by the City of Pittsburgh and the Black Contractors Association's "Humanitarian Award".

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh offers its praise and thanks to Harvey Adams, Jr. for his constant work and endless dedication to the City of Pittsburgh and its residents and does hereby declare October 8, 1993 as "Harvey Adams, Jr. Day".

Mr. Smith moved to adopt the resolution.

Mr. Onorato seconded the motion.

Which motion prevailed.

Mr. Cohen presented

No. 3225 Resolution providing for the issuance of a \$817.80 warrant in favor of American-Rent A Ride, Inc., for damage to a leased vehicle, payable from Code Account No. 46, Judgments.

Also,

No. 3226 Resolution providing for the issuance of a \$1,350.00 warrant in favor of Duquesne Light Company in settlement of claim for property damage, payable from Code Account No. 46, Judgments.

Also,

No. 3227 Resolution providing for the

filing of an application with the U.S. Equal Employment Opportunity Commission for a grant in connection with deferral of employment discrimination charges (EEOC-706 Project); and providing for the deposit of funds into a bank account.

Which were severally read and referred to the Committee on Finance.

Mr. Darkins presented

No. 3228 Resolution providing for the issuance of a warrant in favor of the Commonwealth of Pennsylvania, Dept. of Transportation, in the amount of \$6,900.00 for repairs to Ohio River Boulevard, chargeable to and payable from Code Account 1610, Misc. Services.

Which was read and referred to the Committee on Finance.

Also,

No. 3229 Resolution amending Res. No. 246, eff. March 25, 1993, entitled "Providing for a Contract or Contracts, or the use of existing Contracts, for crack sealing, micro surfacing, cold in place recycling, sawing and sealing, asphalt testing, flexible pavement, asphalt milling and truck rental and providing for the payment of the cost thereof," by decreasing the total allocation by \$200,000.00.

Also,

No. 3230 Resolution authorizing the Mayor, Director of Public Works and the Director of Finance to enter into an agreement with Duquesne University regarding the street vacations of Shingiss Street, McAnulty Drive and a portion of Locust Street in the 1st Ward, 6th Voting District of the City of Pittsburgh.

Also,

No. 3231 Resolution vacating: (1) Shingiss Street from Forbes Avenue to Locust Street, a distance of 321.03 feet; (2) McAnulty Drive from Forbes Avenue to Locust Street, a distance of approximately 700 feet; and (3) Locust Street from Shingiss Street to McAnulty Drive a distance of 393.00 feet, in the 1st Ward, 6th Voting District of the City of Pittsburgh, and providing for an agreement or agreements with Duquesne University, setting forth the terms and conditions of said street vacations and providing for certain payments to the City.

Which were severally read and referred to the Committee on Public Works.

Mr. Ferlo presented

No. 3232 Resolution providing for a Cooperation Agreement or Agreements with the Housing Authority of the City of Pittsburgh for the administration and implementation of the "Community and Social Service Programs in Public Housing Communities" and the "Housing Authority of the City of Pittsburgh Literacy" Program at a cost not to exceed \$50,000.00, chargeable to and payable from the 1993 CDBG Program - Housing Authority, "The Housing Authority of the City of Pittsburgh Literacy".

Also,

No. 3233 Resolution providing for a Cooperation Agreement or Agreements with the Housing Authority of the City of Pittsburgh for the administration and implementation of the "Rehabilitation and Modernization of Housing for Low and Moderate Income Persons" Program at a cost not to exceed \$1,004,000.00, chargeable to and payable from the 1993 CDBG Program - Housing Authority, "Rehabilitation and Modernization of Housing for Low and Moderate Income Persons".

Also,

No. 3234 Resolution providing for a Cooperation Agreement or Agreements with the Housing Authority of the City of Pittsburgh for the administration and implementation of the "Community and Social Service Programs in Public Housing Communities" and the "Rehabilitation and Modernization of Housing for Low and Moderate Income Persons" program at a cost not to exceed \$100,000.00, chargeable to and payable from the 1993 CDBG Program - Housing Authority, "Rehabilitation and Modernization of Housing for Low and Moderate Income Persons".

Also,

No. 3235 Resolution providing for a Cooperation Agreement or Agreements with the Housing Authority of the City of Pittsburgh for the administration and implementation of the "Community and Social Service Programs in Public Housing Communities" and the "Housing Authority of the City of Pittsburgh Grocery Store Shuttle" program at a cost not to exceed \$50,000.00, chargeable to and payable from the 1993 CDBG Program - Housing Authority, "The Housing Authority of the City of Pittsburgh Grocery Store Shuttle".

Also,

No. 3236 Resolution amending Resolution No. 228, effective March 19, 1993, as amended by Resolution No. 366, effective April 29, 1993 and by Resolution No. 1056, effective August 24, 1993 entitled "Providing for the filing of a Community Development statement by the City of Pittsburgh with the U.S. Department of Housing and Urban Development for a grant in connection with the 1993 CDBG Program" so as to remove a line item in the Dept. of City Planning and add a line item in the Dept. of Parks and

Recreation.

Also,

No. 3237 Resolution approving execution of a Contract by and between the URA and Center City Apartments Associates for the sale of Block 25S Part of Lot 112 and Lots 146 through 158 - Western Restoration Project in the 5th Ward of the City Pittsburgh for \$75,000.00 -- (RLRF).

Also,

No. 3238 Resolution authorizing the URA to acquire all of the City's right, title, and interest, if any, in and to the publicly-owned property in the 18th Ward of the City of Pittsburgh being designated as Block and Lot 14-A-333, under the Industrial Land Reserve Fund.

Also,

No. 3239 Resolution authorizing the URA to acquire properties in the 2nd and 18th Wards of the City of Pittsburgh that have been certified as blighted by VPRC. These properties will be sold as sideyards. (Residential Land Reserve Fund)

Also,

No. 3240 Resolution approving execution of Contracts by and between the URA and various Redevelopers for the sale of properties in the 2nd and 18th Wards of the City of Pittsburgh--Residential Land Reserve Fund-VPRC (Sideyards).

Which were severally read and referred to the Committee on Planning, Housing and Development.

Mr. Ferlo for Michelle Madoff presented

No. 3241 Resolution providing for a warrant in favor of Public Strategies, Inc. in the amount of \$4,000.00 in payment for professional services rendered to Councilwoman Madoff for the first quarter of 1993, chargeable to and payable from Code Account No. 1001-2, City Council, District No. 2.

---(SPONSORED BY MICHELLE MADOFF)

Which was read and referred to the Committee on Finance.

Mr. O'Connor presented

No. 3242 Resolution providing for an Agreement(s) and Contract(s), with Consultant(s) and Vendor(s) for various expenses in connection with the Pittsburgh Advocacy Commission on Youth, payable from the Youth Commission, Dept. of Parks and Recreation.

Which was read and referred to the Committee on Parks and Recreation.

Mr. Onorato presented

No. 3243 Resolution authorizing the transfer of \$13,000.00 from Code Account 1423, Equipment, to Code Account 1421, Services, Bureau of Emergency Medical Services, Dept. of Public Safety.

Which was read and referred to the Committee on Finance.

Mr. Smith presented

No. 3244 Resolution providing for a Contract or Contracts or for the use of existing Contracts for the purchase of VHF radios and base stations for use in refuse and recycling

vehicles at a cost not to exceed \$70,000.00, chargeable to and payable from Code Account 1132-5, Radio Improvements, Department of General Services.

Which was read and referred to the Committee on General Services.

Mr. Smith moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. O'Connor seconded the motion.

Which motion prevailed.

The Chair presented

No. 3245 Communication from Brother Richard Emenecker, F.S.C., Director, Dept. of General Services, submitting regulations to implement the City of Pittsburgh's authority to regulate rates for cable service under the Cable Television Consumer Protection and Competition Act of 1992.

Also,

No. 3246 Communication from John N. Walluk, Director, Dept. of Public Works, submitting revised Regulations for the collection, storage, and removal of solid waste and recyclables, and providing for the assessment of fees for removal of excess bulky waste and contaminated recyclable materials from residential dumpsters.

Which were read, received and filed.

Mr. Ferlo:

Mr. President, I'd just like clarification on that last bill in relation to the setting of fees.

The Chair:

I have been told by our Budget Office that this is procedure and I believe the City Clerk's Office concurs with that.

Mr. Perry:

Yes, that's correct.

The Chair:

I had some questions about it myself.

Mr. Ferlo:

They can increase fees with Council's support? Could you provide a copy of that bill to this Council?

Mr. Cohen:

Mr. President, both of those bills will be coming up for a vote, will they not?

The Chair:

No, they are not.

Mr. Cohen:

Okay, then I need to see the first one, too.

The Chair:

I would like then, even though this is procedural, if there are questions, a reconsideration of the vote and simply hold them until next week until we review it.

Mr. Ferlo:

Motion for reconsideration.

Mr. Darkins seconded the motion.

Which motion prevailed.

Mr. Ferlo:

Mr. President, could we get a clarification in relation to the August 6th date on these amendments by Director Walluk.

Also, could we get a copy of the bill with the underlined paragraphs appropriately denoted on this legislation as to what he's actually proposing by way of a change?

The Chair:

Yes. Thank you.

UNFINISHED BUSINESS

The Chair presents

No. 3201. Resolution appointing James E. Rooney, 306 Lamplighter Circle, Pittsburgh, Pennsylvania 15212, as a member of the City Planning Commission for a term to expire January, 1996. Mr. Rooney is replacing Reverend Jason A. Barr.

Which was read.

Mr. Cohen moved to approve the appointment.

Mr. Ricciardi seconded the motion.

Mr. Ricciardi:

I wholeheartedly support the nomination of Mr. Rooney to the position of a Commissioner on our Planning Commission. Obviously, we've worked very closely with him in the past and I think he's a very good individual, a very professional individual, and very articulate.

I was most impressed that he was willing, and he made the commitment to me at the table, that any past issues that would be coming before the Planning Commission for a vote, that he was willing to come to the neighborhoods, meet with the appropriate community groups, and do his homework. I was very impressed with that because, obviously, that means a lot of work with issues that are pending before the Planning Commission. He made that commitment and because of that commitment, it once again shows the character of that young gentleman. So, obviously, I am supporting this fully.

Mr. Cohen:

I also support Mr. Rooney's appointment and confirmation. I worked with Mr. Rooney on the childhood lead poisoning issue and I thought he did an excellent job on that issue. And in the questioning that I had of Mr. Rooney last Wednesday, I was happy that he is not coming into this job with any pre-judgments, that he seems to have an open mind. And I think that's the kind of approach that you need for an important position like the Planning Commission.

So I support his confirmation and I hope that he does a great job.

Mr. Smith:

I have not had the pleasure of working with Mr. Rooney but I do want to say to my fellow members and to the Administration that it does excite me that we are looking to our young people who have given service and are bringing them into the system. This has been a major problem in which we have not involved the younger generation and government, so I am very happy to support someone who is bringing youth to our table.

The Chair:

I would like to add my two cents. As everyone knows, the appointments to the Planning Commission are probably the most important appointments that we make and confirm besides Directors of City Departments.

I think this is an excellent choice. A young, energetic, bright person that cares a whole lot about this City and I'm sure will be an excellent asset to the Planning Commission.

I'd like the comments brought forward from all members on this issue. Thank you.

(REMARKS ON FOLLOWING PAGES)

(BEGINNING - COUNCILMEMBERS' COMMENTS ON BILL NO. 3201,
WEDNESDAY, SEPTEMBER 29, 1993)

The Chair:

Before we move to the regular agenda, we have a pre-agenda item and that is an appointment to the Planning Commission. Mr. James Rooney has been appointed by the Mayor. Mr. Rooney, please come to the table. I want that congratulate you on your appointment and ask if there are any questions from City Council.

James Rooney
306 Lamplighter Circle
Pittsburgh, PA 15212

As a member of the City Planning Commission Term to expire January, 1996

Mr. Smith:

All I really want is for the general public to have an opportunity in a two-minute synopsis of why your believe your appointment would best serve the City of Pittsburgh in the interest of the citizens.

Mr. Rooney:

The Mayor asked -- when the Mayor talked to me about possibly serving on the Planning Commission, we had talked about a number of reasons. One is that I have had some experience with this Council with a number of issues including and especially the work I have done on the lead-based paint removal and I think through that I have shown a concern for the citizens.

Secondly, being a new homeowner in the city and living up in Brighton Heights, I think I bring that perspective. My family has been involved historically in the city and on the Northside and I'm extremely interested in continuing some of those interests.

I think some of the other reasons that we had talked about briefly were that I was a young person that may bring some new ideas and so forth to the Planning Commission. I know that's not two minutes, is there anything more specifically you'd like me to touch on?

Mr. Smith:

Do you have any background, and this is not a negative, background or something that we would know about in terms of planning development, housing, economic development?

Mr. Rooney:

I think one of the issues that we also talked about -- I am sorry I get a little nervous.

Mr. Smith:

No reason to be nervous.

Mr. Rooney:

I also have my own small business and what my business has grown into is doing some work from an economic standpoint, writing business plans for communities across the country. We have done some work in Cleveland with economic development and basically what we're trying to do there are right plans that would attract business to a housing community that we're working with, try to develop training programs for this community. That is my experience with economic development. As to housing, I do not have a strong background or I don't want to say knowledge but I don't have a history of being a neighborhood planner.

Mr. Smith:

That is not a requirement. What I was really looking for and what I want the public to see is that when we place people on these commissions they bring some sense of balance to the madness of government and that their interests would be protected by someone who has some dealings and comprehension of what will come across their table but does not have to be an expert. Most citizens are not experts at government and so therefore all I was attempting to pull out of you was that you have an understanding of trying to balance between the needs of the citizens and the needs of --

Mr. Rooney:

-- right. Like I said, I'm trying to say and I'm trying to make it very concise so we can keep it under two minutes. You talked about citizens not having a general knowledge of government. I think that is something in my experience with many Councilmembers is that we believe in a government for the people. I think being a citizen and not being an expert is one of the reasons and the viewpoints and some of the values I would bring because of that or some of the reason that the Mayor asked me to be involved with the committee.

Mr. Smith:

Thank you.

Mr. Darkins:

I think the one thing that you have mentioned and I have to commend the Mayor. She was very smart to have someone young on this Planning Commission.

I have been around here for the past 33 years and I have seen them come and go and I have seen people be in the Planning Commission that really never served. I've seen planning commissioners that are not interested really in neighborhoods. Every neighborhood changes. There's a difference in a lot of these neighborhoods and in serving on the Planning Commission I will go a step further in what Mr. Smith has said. And it's not because I'm African-American but I'm very much concerned in what is happening in our neighborhoods.

I spoke to someone this morning all over the United States, Homewood-Brushton has become a model for what is happening in regards to bringing a neighborhood back. The rebuilding and I want that as you serve because I'm not opposed to you. You have a very good name -- Rooney -- and I want that when you get down there at the Planning Commission to really think and how you can best serve us on the commission in the regards to not just one side. I'm not against Brighton Heights but I want to know how you can serve us real good even in the Hill District. I didn't talk about Homewood yet but I want you to remember that because I will be one that will really stay after you.

Mr. Rooney:

Bishop, I appreciate you saying that. As you know, we have run into each other a number of times in Homewood. I have tried to be involved and tried as a young person to be committed to the neighborhoods and especially the African-American community. As you know, I have done some work with some groups especially to name one is the Black Contractors Association which is located in Homewood and being around those contractors and especially the young individuals who are looking for work, I have come to see that they're very proud of what is going on in Homewood and I have every intention of ensuring that that happens in Homewood and throughout all the other neighborhoods in the city including the Hill District and Manchester and every other neighborhood that I get involved with.

Mr. Onorato:

Jim, I want to congratulate you. I think it's an excellent selection. I think it's critical that our boards share the diversity of the city in that we have representatives from all over the city. Just like Councilman Darkins talks about Homewood, I think it's a plus that you are from the Northside, I'm glad you're from my district in particular but one thing I have been doing since I've been on Council is

looking at the boards and seeing that we do have that diversity throughout the city because there are different interests depending on where you're from and different viewpoints. I like the fact that you are young and bringing in new ideas and I feel that you will be extremely important to the board and an improvement that we can all look forward to and I congratulate you and look forward to working with you.

Mr. O'Connor:

I'd like to also congratulate you. I walked through the Northside on Saturday with some other Councilmembers where you live now and there is still an awful lot of opportunity there. I have been very impressed with the views and it's second to Mt. Washington I guess. So I'm glad you're from there to represent that area as Dan and Chris do but there are a lot of opportunities all over the city.

The other thing I really haven't thought about it much but I'm on a lot of boards that even my church parish council, we don't have any -- some groups nobody under 40 is on the group so I think it's good that we have some young people that really have a vested long-term interest in the city as you do and I congratulate you and look forward to working with you.

Mr. Rooney:

Thank you.

Mr. Ricciardi:

Mr. Rooney, I have had the opportunity of working directly with you when you were an aide to a Councilmember several years ago and I found you very competent and professional and I had an opportunity to review some of your work when you did the lead based study and I commend you for that work.

The only suggestion that I would like to give to all Planning Commission members yourself included if confirmed by this body is I realize they do take testimony during the day from citizens, but a lot of times citizens are not able to get off work or sometimes it's very inconvenient for them to come Downtown at 200 Ross Street and I have always recommended it in the past and it's done to a certain extent. But what is your opinion of actually going out to community meetings when you know we're discussing an issue that's going to be before you in the coming months?

Mr. Rooney:

I thank you for that suggestion and I definitely feel that I'm willing serving when I did in Council. I spent a lot of

time going to the different meetings with the different community groups.

As I said, I started a small business and at times I have some time constraints on me but I am someone who feels my own personal belief when I commit to something that I commit to it with integrity and if that means I have to spend a certain amount of time in the evenings at the community activities then I will do that. I hope to do that and as I see all of you gentlemen in and Miss Madoff informally, I more than support your giving me suggestions for the Planning Commission and getting involved and hopefully I'll get out and start to see you more often at the meetings that I know you're already at.

Mr. Ricciardi:

You're a fine person and you definitely have my support. The only request I will have from you is there are very important issues before the Planning Commission to date. One is south of the rivers concerning a conditional use and obviously it's going to be very difficult for you to catch up because there has been several hearings concerning a conditional use at the corner of Arlington and 18th Street. If that issue comes before you I will ask you to visit all the neighborhood groups in order to catch up and it's going to take a lot of time. I would ask you to meet with the Arlington Civic Association, I would ask you to meet with the Save The Fire Station volunteers, the Bon Air group, the Allentown group, the Knoxville group and Beltzhoover group and all I need from you is the willingness to come out to meet with each of those groups before you vote on the conditional use. By the time that happens this administration will be long gone and the conditional use will be put aside.

You're a very fine man and as you know we have had many private talks in my office when you were an aide to Councilman Regan and I'm looking forward to working with you.

Mr. Rooney:

Thank you. I'm willing to give you a commitment and we can talk about it afterward what plan of action we want to take so that I can get up to speed.

Mr. Ricciardi:

Thank you and I'll put something in memo form.

The Chair:

I also want to congratulate you on your nomination. You and I worked closely together on the childhood lead poisoning issue and I thought you did an excellent job and worked very

hard and really gave an excellent report to this Council on that very, very serious issue that's facing this city.

I ask the same question to every nominee to the Planning Commission and I'd like to ask you the same question. That is that the Planning Commission position is a very difficult job because it often pits development interests against neighborhood interests and it's a difficult position to have to navigate your way through those issues and I want to know that you as you come to the Planning Commission fresh whether you have an inclination towards one of those interests against another, towards development, towards neighborhoods, if you come with any pre-judgments.

Mr. Rooney:

I have a number of views on the subjects but I think -- my belief is the only way I can perform this job is to be independent and look at things on each particular circumstance. I value and have been in most of the neighborhoods of Pittsburgh. I think that they are -- we always talk about Pittsburgh being a great place and some place special and I have had the honor to be the ambassador for Pittsburgh in different travels and the neighborhoods are obviously one of our largest resources. I'm also interested in business and ensuring that economically Pittsburgh is able to continue in the future. There is a lot of competition with the suburbs and the outlying areas and as a Planning Commission member I think we have to keep those interests and those facts in mind. I don't plan on going in the Planning Commission as an advocate for any one thing but as an independent individual that would evaluate each circumstance as it arises.

The Chair:

I like that answer and I hope that you maintain that independent position and the independent voice that you have because I think it's very important to be able to come in fresh and not have any preconceptions about it. I do know that you are energetic and young and that you have a deep abiding love in the City of Pittsburgh that was instilled in you at an early age and I think in many ways that is the most important thing to bring to the Planning Commission so I wish you the best of luck.

Mr. Rooney:

Thank you.

Mr. Wagner:

Good morning, Mr. Rooney. It's a pleasure seeing you in front of us today and having the opportunity to share some thoughts with you and ask you some questions and I'm real

encouraged that you have sought out and agreed to serve on the Planning Commission. I say that because the more I have gotten to know Jim Rooney the more I have respected him. Initially when he worked for Councilman Regan and after he did work for me and other projects that he and I have been involved in, one of which was the Lead Policy Committee of which he did an excellent job.

The position in front of you is a very challenging one. It's one that is I believe one of the most important appointments in city government and I'm pleased that a person of your caliber will be serving on this commission. What I would ask you to do is and I believe you will do this but in serving on the commission I would hope that you would take the perspective of not an area of the city where you live in but the city as a whole and how the city ties into the region and the importance of that and to even step back from the individual issues that the Commission faces all the time and true, as several Councilmembers have indicated, it appears some times as if it's development interests versus neighborhood interests or whatever kind of interests but really the interest is moving the city forward in a visionary way in a true planning forum to make sure that key issues are addressed by this city, this Council, this Administration or the next administration so that positive growth can occur that impacts the quality of life of Pittsburgh and I would simply ask you to not get caught up in the issues of the day of the Planning Commission and to be visionary in the sense of bringing forth ideas that can move the City forward. Ideas such as connecting Pittsburgh Downtown with the new airport better to make sure that access between the job centers is there. Making sure that something that the Planning Commission has never really put on an agenda that riverfront housing move forward in the city. Possibly the use of hovercraft as a form of river transit in the future and I'm very confident that you will do that but I say this because I think sometimes we are looking at the Planning Commission in terms of issue oriented objectives rather than the true mission that the Planning Commission should serve which should be to provide a vision for the City in the future and how we can progress economically in quality of life to meet that vision. So any thoughts that you may have on that I would appreciate and I would also like to add that I have found it to be quite fascinating that Jim Rooney has become involved in growth of minority owned businesses in the region. Something that is desperately needed to enhance employment opportunities for minorities, but it's one of the ways in which I have grown to respect this young man and I feel very confident in a number of different ways you will do an excellent job.

Your thoughts on some of the big picture items rather than the specifics.

Mr. Rooney:

To answer that question I want to say I may not have been able to convey it because I'm a little nervous here today but I have always hoped and believed that I have done things with vision. I very much have always considered myself a Pittsburgher. Before I'm basically anything else that is what I am and that is where I come from and when I say Pittsburgher, as you know I worked very closely with you and I think I was very happy to work and get along and do the right things for the people of your Council district that actually is maybe the furthest away from where I actually live but I am interested in the issues of Pittsburgh.

I don't want to get into specific discussions of technology transportation those issues specifically today. I have been and I always will be an advocate of progression. I think that the only way we can make it in a competitive global economy is to make best use of and have the best knowledge of and be involved in the high technologies that are coming out that we have to be innovative in using them and employing them in parts of the vision of the city.

I don't know exactly what's going to happen with the new administration or new members of Council. Again, I have not maybe been able to demonstrate it here this morning and partly I want to blame that on being a little nervous and I didn't want to take this as a forum to make my own placement in vision but as you know we have had many discussions on vision itself and what visionary leadership means to the city and that basically without having a vision and without looking at where is this going to take Pittsburgh in the long term and how is this going to affect Pittsburgh in the long term. Those are things that maybe more than anyone else including Councilman Cohen that you and I have been able to sit and discuss. That is my response in a nutshell.

Mr. Wagner:

I appreciate that and when you use the terms of how to make the region more competitive in a world economy, they are really the kinds of things that a Planning Commission should be thinking about and trying to focus how we can better position the City so that this city is more competitive not with itself and not within itself but obviously to other regions of the country and the world. And they're the kinds of objectives I'd like to hear and knowing you we can sit and talk all day and I'd enjoy that as we have privately and personally but I'm pleased that you have sought out and have agreed and the Mayor has suggested your appointment. I think it's very refreshing to the City and I'm sure you will do a great job.

nearby. The redeveloper is in the process of acquiring two properties that are adjacent to the subject property to meet their off-street parking needs. This lot, which is located at 7843 Susquehanna Street, consists of approximately 3,630 square feet. The redeveloper is a nonprofit corporation with a mailing address at 7919 Tacoma Street, Pgh., PA 15208. The Board of Directors include: Dianne B. Swan, Chairperson; Fannie McCorkle, Vice Chairperson; Harriet McCrary, Treasurer; and Eileen Banner, Secretary. (Council District No. 9)

Also,

No. 3369 Resolution authorizing the URA of Pgh. to acquire all of the City's right, title and interest, if any, in and to various publicly owned property in the 6th Ward of the City of Pittsburgh, for the sum of \$1.00, under the Industrial Land Reserve Fund. These vacant lots are being acquired for conveyance to the adjacent owner, Kenny-Richey Associates, for commercial expansion and parking purposes. (Council District No. 7)

Also,

No. 3370 Resolution approving execution of a Contract for Disposition by Sale of Land by and between the URA of Pgh. and Kenny-Richey Associates for the sale of Block 25-G Lots 18, 18A, 18B, 18C, 18D, 18E, and 18F in the 6th Ward of the City of Pittsburgh for the sum of \$10,150.00. The redeveloper intends to use these vacant lots for commercial expansion and parking purposes. The redeveloper owns adjacent property which is occupied by the redeveloper's business, i.e., North Eastern Uniforms and Equipment, Inc. (Council District No. 7)

Also,

No. 3371 Resolution authorizing the URA of Pgh. to acquire all of the City's right, title and interest, if any, in and to the publicly-owned property in the 14th Ward of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County, as Block 88-H Lots 29, 31 and 32, for the sum of \$1.00, under the Residential Land Reserve Fund. These vacant lots are being acquired for conveyance to the adjacent owner for use as a sideyard. The property is located at 3053-55-57 Beechwood Boulevard and contains approximately 10,000 square feet. (Council District No. 5)

Also,

No. 3372 Resolution approving execution of a Contract for Disposition by Sale of Land by and between the URA of Pgh. and John R. and Dorothy A. Shearer for the sale of Block 88-H Lots 29, 31 and 32 in the 14th Ward of the City of Pittsburgh for the sum of \$2,500.00. The property is vacant land located at 3053-55-57 Beechwood Boulevard. The redeveloper intends to use these lots as a sideyard. The three lots contain a total of approximately 10,000 square feet, of which approximately 2,000 square feet is usable sideyard area. The redevelopers are husband and wife, whose mailing address is 3059 Beechwood Boulevard, Pgh., PA 15217. (Council District No. 5)

Also,

No. 3373 Resolution authorizing the URA of Pgh. to acquire all of the City's right, title and interest, if any, in and to publicly-owned property in the 24th Ward of the City of Pittsburgh for the sum of \$1.00, under the Residential Land Reserve Fund. (Council District No. 6)

Which were severally read and referred to the Committee on Planning, Housing and Development.

approximately 3.08 feet in width, located between 3601 and 3603 Dawson Street. This lot, which consists of approximately 308 square feet. The redevelopers are the adjacent owners who intend to use this parcel as a sideyard to rental property which they own at 3603 Dawson Street. The redevelopers are husband and wife whose mailing address is 4814 Au Sable Drive, Gibsonia, PA 15044. (Council District No. 3)

Also,

No. 3364 Resolution authorizing the URA of Pgh. to acquire that property in the 3rd Ward of the City of Pgh. owned by Clara Harrington, and designated as Block and Lot 11-A-130 in the Deed Registry Office of Allegheny County, for the Fair Market Value, under the Industrial Land Reserve Fund. This property is being acquired as part of a site assemblage for proposed expansion of existing parking facilities for the adjacent AUBA Triangle Shops (formerly the Hill Phoenix Shopping Center). The Allegheny Union Pittsburgh Project, Inc., will be the developer upon completion of the site assemblage. (Council District No. 6)

Also,

No. 3365 Resolution authorizing the Urban Redevelopment Authority of Pgh. to acquire that property in the 13th Ward of the City of Pgh. owned by Repository Realty, Inc., and designated as Block 174-N Lot 321A in the Deed Registry Office of Allegheny County, for the Fair Market Value, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh. This property is a vacant lot which is being acquired in order to assemble a site for future residential construction. The Homewood-Brushton Revitalization and Development Corporation will be the developer upon completion of the site assemblage. The lot contains approximately

1,245 square feet. This property has been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh. (Council District No. 9)

Also,

No. 3366 Resolution authorizing the URA of Pgh. to acquire all of the City's right, title and interest, if any, in and to various publicly-owned property in the 13th Ward of the City of Pittsburgh under the Residential Land Reserve Fund, for the sum of \$1.00. (Council District No. 9)

Also,

No. 3367 Resolution authorizing the URA of Pgh. to acquire all of the City's right, title and interest, if any, in and to the publicly-owned property in the 13th Ward of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County, as Block 175-G Lot 69, for the sum of \$1.00, under the Residential Land Reserve Fund. This vacant lot is being acquired as part of a site assemblage for a proposed Community Outreach Center. The Rosedale Block Cluster, Inc., will be the developer upon completion of the site assemblage. The property is located at 7843 Susquehanna Street and contains approximately 3,630 square feet. (Council District No. 9)

Also,

No. 3368 Resolution approving execution of a Contract for Disposition by sale of Land by and between the URA of Pgh. and Rosedale Block Cluster, Inc., for the sale of Block 175-G Lot 69, for the sum of \$1,000.00, in the 13th Ward of the City of Pittsburgh. This redeveloper intends to use this vacant lot for the development of parking facilities for a proposed Community Outreach Center to be located

certain property consisting of the total "C3" Commercial District in the 10th Ward. Formerly the Stanton Heights Shopping Center.
--(SPONSORED BY MR. FERLO)

Also,

No. 3359 An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article V, Regulations Applicable to All Districts, Chapter 993, Exceptions, Section 993.01, Use Exceptions, Subsection (a) Conditional Uses Permitted by Council Approval, to allow Riverboat Gambling as a Conditional Use if property legislative authorization in enacted by the Pennsylvania Legislature.

--(SPONSORED BY MR. FERLO)

Which were read and referred to the Committee on Planning, Housing and Development.

Mr. Ferlo moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Darkins seconded the motion.

Which motion prevailed.

Also,

No. 3360 Resolution authorizing a First Amendment to the Residential Land Reserve Fund cooperation Agreement between the City and the URA of Pgh. authorizing the use of the fund for below market rate mortgage financing for homeownership and to finance the development of newly constructed and rehabilitated housing for renters and homeowners. (All Council Districts)

Also,

No. 3361 Resolution approving execution of a Contract for Disposition of Land by and between the URA of Pgh. and AHI Development, Inc. for the sale of Block 15 L Lot 257 in the 18th Ward of the City of Pittsburgh, for the sum of \$1,000.00. The redeveloper owns and has recently rehabilitated the adjacent residential structure located at 508 Delmont Street. The redeveloper plans to use this lot located at 510 Delmont Street as a sideyard. This lot contains approximately 3,096 square feet. The redeveloper is a Pennsylvania non-profit corporation with an office at Two Gateway Center, Pgh., PA 15222. The officers are: Adelaide Smith, President; Jonathan E. Zimmer, Vice-President/Secretary; Lawrence A. Swanson, Vice-President; and Charlotte Cohen, Treasurer. (Council District No. 3)

Also,

No. 3362 Resolution authorizing the URA of Pgh. to acquire all of the City's right, title and interest, if any, in and to the publicly-owned property in the 4th Ward of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County, as Block 28-M Lot 80, for the sum of \$1.00, under the Residential Land Reserve Fund. This parcel is being acquired for conveyance to the adjacent owner for use as a sideyard. The property is a small strip of vacant land, approximately 3.08 feet in width, located between 3601 and 3603 Dawson Street. The total area is approximately 308 square feet. (Council District No. 3)

Also,

No. 3363 Resolution approving execution of a Contract for Disposition by sale of Land by and between the URA of Pgh. and Michael G. and Andrea Pollice for the sale of Block 28-M Lot 80, for the sum of \$350.00, in the 4th Ward of the City of Pittsburgh. The subject property is a small strip of vacant land,

1993.

Also,

No. 3353 Resolution transferring the amount of \$40,000.00 from code Account 1612-5, Rental of Equipment, Bureau of Operations to Code Account 1717, Salaries, Regular Employees, Bureau of Parks Maintenance, all accounts within the Department of Public Works. This transfer is necessary to cover payrolls for the remainder of 1993.

Also,

No. 3354 Resolution transferring the amount of \$10,000.00 from Code Account 1727, Wages, Regular and Temporary Employees, Bureau of Parks Maintenance, Forestry Division to Code Account 1721, Salaries and Wages, Regular and Temporary Employees, Bureau of Parks Maintenance, Housing Division, all accounts within the Department of Public Works. This transfer is necessary to cover payrolls for the remainder of 1993.

Also,

No. 3355 Resolution transferring the amount of \$5,000.00 from Code Account 1727, Wages, Regular and Temporary Employees, Bureau of Parks Maintenance, Forestry Division to Code Account 1728-1, Premium Pay, Bureau of Parks Maintenance, Point Park Division, and transferring the amount of \$5,000.00 from Code Account 1727, Wages, Regular and Temporary Employees, Bureau of Parks Maintenance, Forestry Division to Code Account 1728, Salaries and Wages, Regular and Temporary Employees, Bureau of Park Maintenance, Point Park Division, all accounts within the Department of Public Works. This transfer is necessary to cover payrolls for the remainder of 1993.

Which were severally read and referred to the Committee on Finance.

Mr. Darkins moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. Ricciardi seconded the motion.

Which motion prevailed.

Also,

No. 3356 Resolution granting unto the University of Pittsburgh, 3525 Forbes Avenue, Pittsburgh, Pennsylvania 15260, their success and assigns, is hereby granted the privilege to construct, maintain and use at their own cost and expense, a parking area in the right-of-way of Sutherland Drive in the 4th Ward, 8th Council District of the City of Pittsburgh.

Also,

No. 3357 An Ordinance amending and supplementing the Pittsburgh Code, Title Six - Conduct, Article I, Regulated Rights and Actions, Chapter 619 - Refuse Collection and Recycling, by supplementing Section 619.02, Municipal Waste to be Collected by City, by providing for refuse pickup before, during, and/or after the Fourth of July Holiday.

Which were read and referred to the Committee on Public Works.

Mr. Ferio presented

No. 3358 An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Chapter 921, Section 921.02, by changing from "C3" Commercial District to "CP" Commercial Planned Unit Development District all that

recognition. Thank you.

The Chair:

Thank you, Dave and Nancy.

Mr. Cohen presented

No. 3346 Resolution providing for the issuance of a \$2,500.00 warrant in favor of La Fond Galleries in settlement of claim for property damage due to a water main break on East Carson on October 5, 1992, payable from Code Account No. 46, Judgments.

Also,

No. 3347 Resolution authorizing the transfer of \$50,000.00 from Code Account 1470-9, Fire Bureau, Worker's Compensation, Department of Public Safety to Code Account 1075, Misc. Services, Department of Law. This transfer will provide funds for payment of outside counsel fees for the remainder of fiscal year 1993.

Also,

No. 3348 Resolution authorizing the Mayor and the City Solicitor to enter into an Agreement or Agreements for the hiring of counsel to assist in the representation of the City of Pittsburgh for outside legal counsel at a cost not to exceed \$100,000.00, chargeable to and payable from Code Account 1075, Misc. Services, Department of Law.

Also,

No. 3349 Resolution Repealing Res. No. 355, Item G, eff. April 7, 1992, which authorized the sale of a two sty. asb. shg. hse. situated on a lot 37.5' x 117' located at 225 Walter Street, 18th Ward, designated as Block 14 F, Lot 60, to Barbara D. Talerico, for the sum of \$7,500.00.

The reason for the above repealing Resolution is that the purchaser failed to comply with the Agreement of Sale. She did not pay the balance payment. (Council District No. 3)

Also,

No. 3350 Resolution approving conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Which were severally read and referred to the Committee on Finance.

Mr. Darkins presented

No. 3351 Resolution transferring the amount of \$40,000.00 from Code Account 1660-1, Premium Pay, Bureau of Environmental Services to Code Account 1501, Premium Pay, Bureau of Administration and transferring the amount of \$10,000.00 from Code Account 1612-5, Rental of Equipment, Bureau of Operations to Code Account 1501, Premium Pay, Bureau of Administration, all accounts within the Department of Public Works. This transfer is necessary to cover overtime for the remainder of 1993.

Also,

No. 3352 Resolution transferring the amount of \$35,000.00 from Code Account 1800-1, Premium Pay, Dept. of Parks and Recreation, Bureau of Administration to Code Account 1700-1, Premium Pay, Dept. of Public Works, Bureau of Parks Maintenance and transferring the amount of \$10,000.00 from Code Account 1612-5, Rental of Equipment, Dept. of Public Works, Bureau of Operations to Code Account 1700-1, Premium Pay, Dept. of Public Works, Bureau of Parks Maintenance. This transfer is necessary to cover overtime for the remainder of

In addition to that, as all of you know with the recent war in the Middle East that America was involved in, there were more and more women not just in support functions but actually out there in combat positions. So, there is a trend where women have become more and more involved in recent years than ever before, and certainly should have the recognition and should be provided with all the support that this country can provide women veterans.

I'm honored to have Nancy Pearlman here. Nancy, as I indicated, is the Women's Veteran Counselor at the Vets' Center. And I'm also honored to have the Director, Dave McPeak. These two I know personally and professionally and they have literally dedicated their lives to helping veterans. And I can't say enough about them. It's just not in their profession, but truly 24 hours a day. I know they live and feel and care about veterans. It's just part of their make-up.

So, I am really honored that both of you are here today and honored to present the resolution that I'm going to give to both of you. And I would like to ask both of you to please say a few words in regard to this important week.

Ms. Pearlman:

This is really appreciated by, I'm sure, all of the women, especially this coming week which is the first time women have ever had a memorial. There's going to be another one, I think, for all women veterans, although the one next week will be for Vietnam Veterans.

I just wanted to give a little background to this, that in 1992 there was a new Women's Health Act particularly for women veterans that would enable them to get more care than they have been able to in the past particularly around sexual trauma and harassment. Maybe some of this occurred in light of the Tailhook scandal but

women have not come forward over the years, not gotten many of the services through the VA because they weren't prepared for women, really, especially in that one area of sexual trauma.

So, throughout the country, the Congress has allotted funds for women and has hired and trained many of us to work with this special problem that a lot of the women they're finding have symptoms of post-traumatic stress similar to men, but have never really had any place to go for this. So, we kind of want to plug this program. We want to let the women know that this is out there and that you could call your Vets' Center or the VA for the women's coordinators there. The Vets' Center is community-based and out there around Penn Avenue, and the VA at Highland Drive would also have information for you.

Mr. McPeak:

I'd just like to say a couple things about Nancy. People may not realize this but she was a volunteer in Vietnam. Prior to that, she spent a year volunteering in Korea. Then a year as a volunteer in the hospitals treating guys that came back from the war, all shot up, either with physical or psychological problems. She came back and got a Ph.D. and we're honored to have her work for us at the Vets' Center.

The Vets' Center was established 14 years ago to provide counseling to Vietnam-era Veterans. Since that time, we've expanded ourselves to all combat veterans since the war to provide them employment and counseling services.

Anybody that is interested in contacting us either for the services that Nancy provides or the services to the male vets, they can call us at 765-1193.

Last and most importantly, I want to thank Jack and City Council for this important

to please step forward to receive it.

Dave is the Director of the Vets' Center, and Nancy Pearlman is the Women's Veteran Counselor at the Vets' Center. This resolution honors women that have served their country as veterans and volunteers, and we're honored to have both of you here today.

The Chair presents

No. 3388 WHEREAS, the number of women serving in the United States Armed Forces and the number of women veterans continues to increase, with 1,200,000 women representing 4.6 percent of the total American veteran population; and

WHEREAS, women veterans have contributed greatly to the security of the United States and have served honorably throughout the world, often in military operations involving great hardship and danger; and

WHEREAS, the special needs of women veterans, especially in the area of health care, have typically been overlooked or inadequately addressed by the Federal Government, discouraging or preventing many women from taking full advantage of the benefits and services to which they are entitled as veterans; and

WHEREAS, the week beginning November 7, 1993 has been designated by Congress and the President of the United States as National Women Veterans Recognition Week, thereby promoting the gains of women veterans both in numbers and accomplishment, and drawing attention to the special needs of women veterans.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh joins the Federal Government in drawing attention to the special needs of women

veterans in health care and other areas that have been inadequately addressed by this country; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh hereby designates the week of November 7, 1993 as "Women Veterans Recognition Week" in the City of Pittsburgh in recognition of the honorable military service of women veterans in the United States Armed Forces.

Mr. Cohen moved to adopt the resolution.

Mr. O'Connor seconded the motion.

Which motion prevailed.

The Chair:

Thank you very much and, again, Dave and Nancy, we're honored to have both of you here today to present this resolution to draw attention to a very significant time next week when women veterans throughout the country are to be honored.

In addition to that, there will be the unveiling of the Vietnam Veterans Women's Memorial in Washington, D.C. on Veterans' Day which is November 11th of next week. A holiday here in the City and throughout the country.

I'd just like to add, myself being a veteran, I know the contributions that women have made to this country personally. And it was said back when I was in the service 25 years ago, with every combat infantry person, there were five people supporting that person in the military. A significant portion of those people were women, particularly in the health care area. And they have made major contributions to this country going back decades with all the wars and in peace time. And it truly is about time that this country honor women who have served their country through the military.

its Third National Conference in Pittsburgh, November 3-7, 1993 at the Hilton, for the express purpose of bringing researchers, parents, and other concerned parties together to discuss advances in SIDS research and services.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby proclaim the month of November, 1993 as "SIDS Awareness Month" in the City of Pittsburgh, and invites all citizens of Pittsburgh to take the opportunity this month to learn more about SIDS; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh commends the many individuals and organizations that are working so diligently to support and educate the community about this tragic syndrome.

Mr. O'Connor moved to adopt the resolution.

Mr. Onorato seconded the motion.

Which motion prevailed.

Mr. O'Connor:

SIDS Alliance has been very supportive of my family, and my sister-in-law, DeeDee. They've really done a lot and I think through our community block grant money we were able to make a donation that really helped in the inner-city, especially in the low income and minority communities.

Judy, I hope you will say a few words about that and all the support that Council has given them. I really appreciate it.

I know South Side Hospital donates space to SIDS. Gene has been very helpful. Mr. Darkins has done things. Chris Smith. I know we're in the Hill and doing a lot of things.

But this organization has been a lot of support to my family because her big sister, Yael, died almost three years ago of SIDS, and it's really a tragedy to wake up one Sunday morning and not have somebody there. So they've been very supportive.

Thanks for coming down and good luck in your convention.

Ms. Bannon:

Thank you very much. I'd also like to thank all the Members of Council for supplying us with money from the Community Development Block Grant Program. That money was instrumental in getting us into the Arlington Heights and St. Clair Village areas of the City to start support meetings for people who lose babies to Sudden Infant Death Syndrome or really any cause.

As Bob said in the proclamation, SIDS occurs mainly in the Black population and in the minorities. These are people who already have a lot of problems and they need help to get through this tragic time in their life.

We're also very active in the Healthy Start Program which is run by the County Health Association, and we're really out there trying to help everyone in the City and throughout Allegheny County who lose babies.

Your help through the Community Development Block Grant Funds really helped. Thank you so much.

The Chair:

Thank you all.

Members of Council, ladies and gentlemen, it's an honor to present this resolution. I'd like to ask Dave McPeak and Nancy Pearlman

for the Ministers' wives Conference of the World-wide Youth Pentecostal Crusade, is Vice-President of the Pastors wives' Guild of the 2nd Jurisdiction of Pennsylvania - Churches of God in Christ, Founder of the "WE DO" Auxiliary for both Pittsburgh and Buffalo Chapters, and Recipient of the Eagles License of the National Church of God In Christ, Inc., and the National and International Evangelist of the Lord; and

WHEREAS, Bishop Thorpe and Evangelist Thorpe are the proud parents of six children.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh recognizes the accomplishments and the contributions of Bishop and Evangelist Thorpe and congratulates them on their 20th Anniversary celebration this Saturday, October 30, 1993 and hereby declares October 30, 1993 as "Bishop and Evangelist Thorpe Day" in the City of Pittsburgh.

Mr. Ferlo moved to adopt the resolution.

Mr. Cohen seconded the motion.

Which motion prevailed.

Mr. Ferlo presents.

No. 3386 WHEREAS, the Bloomfield-Garfield Corporation, located at 5149 Penn Avenue in the City of Pittsburgh, is an independent, not-for-profit organization devoted to human and economic development of the community; and

WHEREAS, the Bloomfield-Garfield Corporation has been incorporated in the Commonwealth of Pennsylvania since 1976 and has been granted exemption from federal income tax under Section 501(c)(3) of the Internal Revenue Code; and

WHEREAS, the Bloomfield-Garfield Corporation desires to operate certain small games of chance and/or conduct raffles to generate funds to finance its operation and further its purpose.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the City of Pittsburgh hereby recognize and declare the Bloomfield-Garfield Corporation to be a civic and/or service organization within the context of the Pennsylvania Small Games of Chance Act, as amended.

Mr. Ferlo moved to adopt the resolution.

Mr. Cohen seconded the motion.

Which motion prevailed.

Mr. O'Connor and All Members of Council present

No. 3387 WHEREAS, Sudden Infant Death Syndrome (SIDS) is the sudden and unexpected death of an apparently healthy infant, and is neither predictable nor preventable with our present knowledge; and

WHEREAS, SIDS is the leading cause of death in infants between one week and one year of age, occurring at a rate of 6,000 to 7,000 deaths each year in the United States, and occurring at a higher rate in Blacks and American Indians, in premature and low birth weight infants, and in twins and triplets; and

WHEREAS, families who have lost children to SIDS have organized to provide support services, to promote research on SIDS, and to educate the public on the nature of Sudden Infant Death Syndrome; and

WHEREAS, the SIDS Alliance is having

MUNICIPAL RECORD

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Municipal Record

ONE-HUNDRED TWENTY-SEVENTH COUNCIL

JACK WAGNER President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON-WASLER..... Asst. City Clerk

Pittsburgh, PA
Wednesday, November 3, 1993

PRESENT:

MR. COHEN	MR. RICCIARDI
MR. FERLO	MR. SMITH
MR. O'CONNOR	MR. WAGNER
MR. ONORATO	(Pres't)

ABSENT:

MR. DARKINS	MICHELLE MADOFF
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The Meeting was opened by the recitation of the Pledge of Allegiance to the Flag of the United States of America, and a moment of silent prayer for peace throughout the world.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Cohen for Mr. Darkins presents

No. 3385 WHEREAS, Bishop Eugene Thorpe is the founder of the Northside Institutional Church of God In Christ. For twenty years, Bishop Thorpe has been doing things and those things have been done as "First Class For God". Bishop Thorpe broadcasts over radio and television and he pastors to one of Pittsburgh's spirit-filled ministries; and

WHEREAS, Bishop Thorpe has received testimonies that he is a spiritual leader in Pittsburgh because of his unique ability to give you that "Good Ol Time -- Holy Ghost Service"; and

WHEREAS, Bishop Thorpe is a member of the Board of Bishops of the Churches of God In Christ, Inc., State Expeditior for the 2nd Jurisdiction of Pennsylvania - Churches of God In Christ, Vice President of Pittsburgh's Black Gospel Radio Station and Pastor and friend to many; and

WHEREAS, Evangelist Lola Thorpe, affectionately called Pastor, is known for her dynamic and heartfelt expression, "What God cannot do just cannot be done." Evangelist Thorpe is a homemaker and mother to her family and serves as mother to both members and friends of the ministry; and

WHEREAS, Evangelist Thorpe lectures

The Chair:

Yes.

Mr. Cohen:

And, I'm sure that you will give us a copy of the new schedule.

The Chair:

Yes, and the date. We were shooting for the end of this week. I'm sure it's somewhere towards the middle or end of November.

Mr. Cohen:

Okay, I was assuming that is was on Friday.

The Chair:

No. We have not formally invited anyone yet, because we have not agreed on who we're inviting.

Mr. Cohen:

Okay, thank you.

Mr. Ricciardi:

Mr. Wagner and colleagues, we've received I believe two memorandums from our City Solicitor, Mary Conturo concerning House Bill 65, and as we all know it's public participation in the Sunshine Act. The right for the public to comment at one or both of our meetings, and I would just like everyone to maybe get on the same base so we could at least start instituting something hopefully next week.

I think the memorandums are pretty well clear-cut. We've had a post agenda on the

memo's and I think we've all had some discussion, and I know the President, Mr. Wagner and I have discussed this informally in the halls. So, hopefully we can start something next week.

The Chair:

I directed Mr. Perry yesterday to put in a form of Council Rules the adoption of that memo from our Solicitor and to actually bring it up for a vote for a change or enhancement to our rules.

Mr. Ricciardi:

Good.

Mr. Cohen moved to adjourn this meeting and meet again on Wednesday, November 3, 1993 at 10:00 a.m.

Mr. Ferlo seconded the motion.

Which motion prevailed.

Mr. Ricciardi moved to excuse Michelle Madoff for absence from the meeting.

Mr. O'Connor seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Onorato**

Council adjourned.

entire day as a courtesy. So, again if there's no objection, I'd like to see Chuck Kolling and David Farley attend the entire day.

The Chair:

Well, I will run that by each member of Council. Again, I will say to each one of you unless there is unanimous agreement of everyone invited and participant I don't think they should be invited. And, we will run that by those of you that are here and not here.

Mr. Ricciardi:

I'm a little confused on that message you just sent us concerning my request of Chuck Kolling our paid lobbyist. Is there any opposition to asking Chuck to be here the entire day?

The Chair:

I personally will say that I'm tired of talking with lobbyist. I want to talk with the people that can vote on the legislation.

Mr. Ricciardi:

No, I apologize. If you notice what I said, and I do apologize, I didn't say to speak, I said to be here the entire day. I think he should sit here. He should get our feelings and hear the discussion. Because, if we're going to talk about legislation he is one that really carries the ball for us, because we're down here doing our job and we expect Mr. Kolling under the direction of Mayor Masloff to help our Senators and State Representatives on these particular issues.

So, I would hope there's no disagreements to having Mr. Kolling just here listening to us. I mean he is being paid and I would like to let him hear us have debate with our State Representatives and State Senators.

The Chair:

That's fine with me.

Mr. Ricciardi:

Because we don't get a chance to see Chuck that often. I think we should be honest with each other. I think we all talk to him on the phone but we don't get to see Mr. Kolling that often. I hope he would attend the entire day and monitor the session. I would hope that nobody would have any disagreement on that.

The Chair:

I have no disagreement. I simply don't want him to be a representative of anyone.

Mr. Ricciardi:

I understand.

Mr. O'Connor:

I agree with Councilman Ricciardi. I think he should be here listening and then maybe we could give him the task of following up on some of these issues. It's very hard for us and it's tough to follow up. Let's give him that commitment. We're paying this guy the money, let's show him our priorities and maybe he can report back to us on a monthly basis on how far these elected officials are responding to our needs.

The Cohen:

First of all, I want to commend you for putting it all together, because I think it could be a very productive meeting.

Secondly, is the schedule the same as the original schedule that you sent around or will it change?

federal level, including the FBI and the U.S. Attorneys office. We have the ability through the Community Oriented Police effort, through our block watch effort to actually come with several hundred names of individuals who are involved in gang and/or drug activity. There has yet to be a convening of a grand jury. There has yet to be indictments under Rico or any other statute that the federal government has at their disposal.

And, obviously, I think all of us in this room are very disappointed at what we see as a lack of interest and activity, and possibly even some backwoods priorities. I made the mention recently of the probably million dollar investigation by the FBI and the U.S. Attorney on ticket writing in the judicial system locally, and I think many of us feel while none of us will certainly condone that activity that's going to be going on for long after all of us are gone, but we question the wisdom and the prioritization of these federal folks. We have carnage on the streets in the City with young people and weaponry, and we don't see the proper level of commitment and response.

I would really like to see the U.S. Attorney and/or FBI representatives or whoever be part of this day long activity.

The Chair:

We will include one or the other at the federal level. Unless anyone is in disagreement.

Mr. Onorato:

I agree with you Mr. President to reduce that list. I think it's unrealistic to have the Acting Governor or Janet Reno be here, but I would still like to keep it with the elected officials. Either they show up or don't send a representative. I think that's important. I'm not doing that to be negative. I'd just like to talk to the individuals that are going to be actually doing the voting in

Harrisburg.

I have no problem with using that policy for everyone, because even the U.S. Attorney is assigned to this area. We're not asking anyone to come in from out of town.

The Chair:

We will add the U.S. Attorney and only the individuals invited will be those that we have present.

Mr. O'Connor:

I think it should be televised.

The Chair:

There is some disagreement within Council on that. Unless I get unanimous feeling from all members of Council, I'd rather not televise it but have it as part of a public process.

Mr. Ricciardi:

Concerning it being televised, obviously I don't have a problem with that. However, I would like to withhold my position on it, because I think we would have to discuss it with the people that we're inviting in. If someone says for some odd reason they don't want it televised. I'm at the position right now that I would respect that particular person. So, I understand Mr. Wagner maybe your hesitation or maybe we should still continue to discuss that.

I'd just like to add a request. Obviously, we have a good lobbyist, Chuck Kolling, who works at the Harrisburg branch and David Farley, who's also very good who works I believe D.C. and Harrisburg, and I think they should be here for that entire day, and obviously I think we should extend the invitation to the Administration of this City to be here with us the

I'm very curious. I think you make a good point. I'd like to know the answer myself. Maybe we need a post agenda with the Water Department to see how we deal with someone like this who would take advantage of the situation.

WHICH MOTION PREVAILED.

Mr. Onorato:

Real quick on a positive note for the entire City. I think it should be pointed out here in this Chamber about Pittsburgh being ranked number five in the Almanac as the Most Livable City. Eleventh, we dropped two slots. The point is we're still number five out of 343 cities or regions that we're part of that poll.

And, I think what is really shocking about this poll is that one of the reasons we're high is our low crime rate, which is contrary to what you've been reading every night in the news. I want to point that out today. Out of 343 areas that were considered Pittsburgh was ranked 51 when it comes to crime. That's top of the list. It goes to the point where we say we got to stress what's good about this area. Sure we have an increase in crime but it's still not nearly as bad as the perception that's being portrayed out there or compared to other areas our size.

I just want to say that I will take fifth place out of 343 areas anytime. I think it's a credit to both Mayor Masloff and this Council body to react to what has been happening here. We're not just sitting by. We recognize there is an increase in crime but in the meantime we also implemented community oriented policing. We've been increasing our social programs, be it Gladstone School or other schools or rec centers.

And, I think that's why we remain there, because we do respond to the problems that are

happening. But, once again crime isn't nearly as bad and Pittsburgh is still in the top five most livable cities in the country.

The Chair:

Thank you, Councilman. I'm glad you brought it up. It's a compliment actually to the whole region, and some other areas that rate very highly are health care, cultural amenities, education. I'm sure schools like West Minster have contributed directly or indirectly to that rating.

Prior to adjournment, I simply want to mention Council a couple of weeks ago requested having a meeting with various representatives at higher levels of government.

Mr. Perry and I have sent out a rather inclusive list suggesting a very aggressive schedule and meeting with some people. I would like to suggest and we have not arrived on a consensus yet, but I would to suggest to all of you that we proceed with a list not so aggressive, and request the following people to be part of a meeting at some agreeable date in the future.

Those people would be our state delegation of House of Representatives, our State Senators and whoever would represent them if possibly the entire group of Representative and State Senators; Robert Colville, District Attorney; and possibly Paul Zaveralla the President Judge of the Court of Common Pleas; and at the federal level our Congressman. So we would identify three levels of government and get three groups of people in here and condense it possibly to a three hour session on an agreeable date. Any comments and suggestions?

Mr. Ferlo:

The discussion had to do with criminal activity, how resources are deployed at the

behind those and they cannot be part of your delinquent program.

The Water Department now has been badgered over the years from this Pittsburgh City Council. Especially, from our colleague Michelle Madoff in \$18 to \$20 million of uncollected revenues. Again, when you have uncollected revenues someone's subsidizing those bills, and those are the people that are paying that.

I think Mr. Smith though has raised a very interesting point. One that I don't have the answer for, and that's concerning renters. People that are paying their rent however their landlord is not keeping current all their charges. So, obviously the landlord or the structure itself is going to lose water. In effect touching or hurting the renters. That is something we have to look into, and I don't have the answer to that. I don't know if that money goes into escrow, but let me state that the Water Department has a policy that has been accepted by the Pittsburgh Water and Sewer Authority. It's a difficult policy but it's one that needed to be attained.

And, since the policy has been instituted it's amazing that we've collected millions of dollars in past bills that have been in arrears.

So, again I support this, but let me state that the way I understand the policy it's very difficult but please keep in mind that when people are not paying their bills that those bills are being subsidized by people that are. And, that's the reason even though we want to be very sensitive to those who are unable to pay the bills that there is something in place. It's called the Exoneration Board. That this Pittsburgh City Council, at the time I don't think Mr. Smith was on Council, but we redid it, we changed the composition of it. It's a very lenient board in terms of actually putting aside liens on property and taking down the payment itself. And, then we have a payment

program and the payment program people usually get two shots at the payment program. If you can't keep to it then it goes secondary.

Concerning the amount that needs to put down the thousand dollars that does seem excessive, and I'm aware of no payment programs that have asked that much. The only thing I can say on that note that if we look into it it might be something that they just refused to go on the payment program.

As a matter of fact, if after twice if someone doesn't make their payment program the Water and Sewer Authority through the Water Department needs to say guess what, you've tried, you have to come up with the money.

Let me also state though, Mr. Smith there is another outlet and that is the Court of Common Pleas. If anyone's going to have their water shut off, if they've gone through the payment program, they've been either unable to meet that payment program or for any other reason they refuse to pay they have a chance to go to the Court of Common Pleas. Not the PUC, however, because we are not an operating authority and we have not been accepted as a utility delivery a commodity, but I think it's a good idea to request that information.

Mr. O'Connor:

I think the City from my dealings here have been very sensitive to the people who've fallen on hard times with the payment schedules as you said. But, I think Councilman Smith you really bring up a good point especially people in the middle to low income who are paying their rent and their bills and presuming their water bill is paid. What happens to that landlord for whatever reason and we see sometimes the bigger they are the more they know how to beat the system.

have to pay? And, I have a couple of examples. But, the biggest problem is that it's rental families. On November 15 I will have 32 families who will not have water from that date on. Based on the fact that the negotiated settlements were too high for the landlord and these people are renters.

We need to have something that insures that the renter does not get caught in this. I know particular instances in which an individual has attempted to negotiate a price based on the fact that they want to stay and remain in the City. They received a piece of property as an heir. They have attempted to work out a negotiation to pay both the back taxes and the water bill. The assessment on the house is one half what is owed for taxes and water and yet they are still willing to make payments, but not at \$1,000 a month when the value of the taxes far exceeds.

So, I'm asking for clarification from the Water Department at how the average citizen can work with the City? What is the process and procedure?

Now, I understand that these people are remiss. It causes problems, but collection of something beats nothing. Some of the people were told to go take out a loan. Most people are remitting these bills because they can't get loans.

They won't except partial payments from individuals. Someone owes \$200 and could only afford \$50 based on their income, and said that they would pay it off, and they were told if you can't pay the whole \$200 then you're just going into our delinquent files.

So, what I'm asking my colleagues is can we write a letter to the Water Department asking to spell out for us who actually negotiates and how the average citizen has a right to arbitrate the settlements that have come out; and how we deal with rental property? It is unfair to affect a renter when the landlord is the one responsible for the

water bill.

And, this is a major problem and I'm actually very fearful that we will have people for Thanksgiving who will not have water through no fault of their own.

Mr. Ricciardi seconded the motion.

Mr. Ricciardi:

Thank you, Mr. Wagner. I support the motion of asking the Water Department for additional information and actually delineating their policy. It's a very sensitive and complex issue. It's very sensitive, because obviously no one wants to see anyone without water here in the City of Pittsburgh. But it's very complex because if people do not pay their water bills someone eventually needs to pay those water bills; and that means that the people that are making their payments are paying their water bills are actually subsidizing those people who are not, because obviously we have the treatment plant that's working and obviously we have the Water Department employees that continue to do their work.

I think it's a good idea that we ask for information from the Water Department. With all do respect to my colleague, because some things were stated that really need to be spelled out, and that is before there's a water shut off anywhere here in the City of Pittsburgh.

There's a very stringent policy that needs to be followed before you reach that point, and that is that for example if Gene Ricciardi refuses to either make payments or refuses to enter into a payment program with the Water Department of paying their bills.

As a matter of fact, if you're on a water rate payment program you still have to keep your current charges up to date. You cannot fall

dollars should be earmarked.

Mr. Cohen:

Thank you, Mr. President. I also want to commend Councilman O'Connor for bringing this up. Some may be a little wary about supporting it because it involves spending money for a bond issue.

But, I think that, in fact, this referendum if it passes will save money. Because it is for repair of the infrastructure of our important parks and recreation areas, and if we wait much longer for those to be repaired then it will be even that much more expensive to do it down the road. So, I think that it's really saving money in the long run.

The second thing is that although we support it and I hope that Council votes for Mr. O'Connor's motion. This doesn't mean that our regional parks should be taken out of the regional assets district, and I don't think that they're inconsistent at all.

If, in fact, we get a regional assets district which we absolutely need desperately. Then I think that our regional parks should be included in that, because there is much more that needs to be done even beyond this bond issue. Thank you.

The Chair:

I'd also like to compliment Councilman O'Connor for bringing it up, and I'd like to add not only the item pertaining the Carnegie system that could benefit Carnegie Library system anywhere from \$1 to \$2 million a year; and we all know that they will be front of us within the next month requesting monies for the 1994 budget; and if this bond issue passes I believe it enhances their financial position when they come to City Council to ask for monies as they always do and as we always support them.

I'd like to add just for the viewing audience not only now but this evening the problem with referendum questions quite frankly is that the majority of the public doesn't see them when they go and vote; and whether you're for or against this referendum question, which I hope you're for it's important to note that when you go into that booth that that referendum question is up above everything else.

Unfortunately, many times the majority of voters simply don't see it, and we would ask you to keep your eyes opened when you are voting looking for those referendum questions.

Mr. O'Connor:

Just one last note. Acting Governor Singel will have a news conference tomorrow so I'm sure the press will cover it. If anybody has questions I'm sure the press will cover it in detail, and as you said, please vote yes. It will be on the top the referendum Key '93.

WHICH MOTION PREVAILED.

Mr. Smith:

Yes, very quickly and I'm calling on my colleagues to assist me with this. The Water Department is out there actively collecting past due water bills, which I applaud them for. But, in my particular district they are creating a problem.

It is my understanding they will not accept a partial payment. The payment plans they deem that are there people sign just to forestall the water being shut off, and then they cannot meet the thousand dollar a month payment schedule that they were forced into.

So, some of my questions are; who negotiates this and how does the average citizen - where do they have a right to go to appeal what is basically a number that they are given that they

I'd like to make a motion that Council indicates this endorsement for a Key '93. It will be a referendum question on the ballot in next Tuesday's election.

If passed, this has been overwhelmingly approved in the General Assembly, in the Casey Administration, and if this is passed it will provide initial money for the Keystone Recreation Parks and Conservation Fund to be used to rehabilitate and protect Pennsylvania's community parks, our recreation areas, state parks, forests, and libraries are involved in this, hunting and fishing areas, historical sites, museums and our zoos.

It is an important investment and the future of Pennsylvania's greatest resource our children. They're the heirs to our states wonderful recreational, educational and historical natural heritage. This heritage is threatened unless we have the foresight to make necessary improvements to our overused and under funded parks.

Good construction jobs will be created to rehabilitate numerous facilities. Our tourism is a \$16 billion industry and will benefit from investments made to recreation, education, historic and natural attractions.

I urge everyone to endorse this \$50 million bond issue.

Mr. Ferlo seconded the motion.

Mr. Onorato:

One question, Councilman O'Connor. The money would it be spent for all of the parks or just the state parks?

Mr. O'Connor:

No, this is local parks too.

Mr. Onorato:

Good.

Mr. O'Connor:

So, this is badly needed in the City and again I was impressed and pleasantly surprised it also includes that our zoo and our libraries would be eligible for rehabilitation.

Mr. Ferlo:

I support this bond issue. It's clear that as a municipality we can gain directly. I think I figured out at one point with somebody from Community Affairs that we might be eligible for possibly \$3 million in a grant to this municipality. As well all of us care about our parks and resources throughout the Commonwealth, and this a great opportunity to provide badly needed funding.

Unfortunately, the state is very similar to the city. For a long time, in fact, several decades many of our state parks have not had any infrastructure repair work done to them or very little.

So, I would please ask that folks throughout the Allegheny County area please be supportive of this measure. But, when we go to submit proposals I think this Council needs to be involved in helping to decide what the application will be to DCA for the funds, be it certain zoo projects, certain parks that we have in the city.

Three come to mind very quickly. The Regional Parks and Nature that are badly in need of infrastructure work and repair. So, after we get over the hump and approve this bond issue, I hope that we can work with the Administration and have some input on how the allocation of the

support to at least discuss the issue and make an adjustment, because I had at least ten calls this week.

One other issue, it's a public safety concern, and I want to go on record, because I'm hitting a road block with the state right now.

Ohio River Boulevard, Route 65 was closed last week, and it will be closed for one year for construction. What happened is there's a detour that's taking them over the McKees Rocks Bridge, 51 to the South Side, but we're having an effect on California Avenue and Termon, which is the major intersection right up from the bridge.

A lot of people are creating their own detour and we have a public safety concern. There's five streets that meet there. There's four crosswalks between the children and the traffic in the morning and in the afternoon the school crossing guard informed me, parents informed me, it's just a disaster waiting to happen.

I was talking to Public Safety Director Lou DiNardo. He agrees that there should be a police officer there probably eight hours a day, four hours in the morning, four hours in the afternoon.

PennDot use to reimburse for these types of officers when it's their project. They're taking the position right now that they're not going to reimburse us due to a comment from our Engineering and Construction Department that we didn't want police. I think what they were referring to was there must have been a discussion about projects in general on a path that was not a designated detour.

Well, I don't want to get into an argument with the state over some antics here. We have a public safety concern that we have to address immediately. Maybe, we should have our police officers to start and bill the state.

But, I want to go on record here Mike, and maybe we'll send a letter from this Council, and I'll make a motion now that we send a letter to Henry Nutbrown the Regional Director for PennDot to address this issue, and provide the appropriate funding since it will be shut down for a year for a public safety concern at the intersection of Termon and California Avenue on the North Side.

Mr. Onorato moved that Council send a letter to Henry Nutbrown the Regional Director of PennDot to address public safety at the intersection of Termon and California Avenue on the North Side, and provide appropriate funding since it will be shut down for a year.

Mr. Ferlo seconded the motion.

Mr. Ferlo:

I've driven that just last week, and didn't know about the roadway being closed. I would ask also that the issue be broadened to look at the traffic signalization at that intersection. I think the left and right hand turn arrows seem to be --

Mr. Onorato:

Councilman Ferlo, I have a written request into Engineering and Construction. You're right. There's traffic now backing up from California all the way to the bridge. So, they are going out to redesign the entire lighting of the intersection.

Mr. Ferlo:

Thank you.

WHICH MOTION PREVAILED.

Mr. O'Connor:

Also,

Bill No. 3272

A Resolution entitled, "Resolution amending Resolution #827, effective July 13, 1992, entitled "Providing for a Cooperation Agreement or Agreements with the Commonwealth of Pennsylvania, Department of Transportation for reimbursement of costs incurred for the water and sewer systems improvements made on Harpen Road; and providing for the payment thereof, by increasing the total project allocation by \$75,000.00 from \$200,000.00 to \$275,000.00."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
Mr. Onorato	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

Mr. Onorato:

Mr. President, two quick points.

Hopefully, next week I will be introducing legislation for us at least to discuss -- there's been a big problem, and I'm sure a lot of your offices received the calls regarding these false alarm fees that we have in place.

I just want to say that something seems to be going wrong the way we're enforcing them or the numbers just too high.

For example, and I'll give three quick examples; Allegheny Center Mall, which houses a complex of buildings and a lot of them have the art students in them. You also have the mall there and they have fire alarms in positions where they're required by code to have them there. They have students that pull them.

To give everyone an example here. Allegheny Center Mall the owners the associates received a \$10,000 false alarm bill, and this is the same company that is helping us with one of the public parks over there. We have to make this a little more user friendly. I think \$10,000 is a little excessive.

The childrens museum just got hit with a false alarm fee. Here's a building that's catering to our youth in the City. Pressley Ridge School gets hit monthly. That's the school that deals with emotionally disturbed children.

So, what I'm going to doing is asking you for exceptions or lowering the fee, and I think it's something that we should be thinking about over the next two or three weeks. Especially, during the budget season. I realize there is a budget impact, but something's wrong here when we have institutions that are actually providing a tremendous benefit to our community, and we're turning around and whopping them with this fee, and a lot of the times they're there because of code regulations.

So, I would hope that I have everybody's

Park Bridges -- and why don't we get back to them and come up with a strategy for that.

But again, I do want to thank you for the department's flexibility on the barrier there.

Any other discussion? Actually, I have one other question, and that is on the timing for the bridges under construction now, is there any way to move that up a little bit? You are saying now it will be the end of the spring of 1994, maybe even the beginning of the summer of 1994. Is there anything we can do to push that timing up? Because the inconvenience of not using that bridges is tremendous.

Mr. Reginella:

Actually, the contractor is much more anxious than we are to complete the job simply because to him that translates into finance gains or losses; the longer he is there, the more closely the matter will be to him.

Mr. Cohen:

Is there a damages clause?

Mr. Reginella:

There is always a liquidated damage clause. I am not sure what the amount would be in this case, but that would come into play. But he is well within the contractual time limitations. He has ample time to complete. And the problem is one of weather. The bridge deck cannot be placed unless the temperature is 40 degrees, I believe, and rising, and it has to remain above 40 degrees during the evening, the night, the next morning and for several days after the deck has been placed. When we get into November, it is a little difficult to get those temperatures.

Mr. Cohen:

Until the weather warms up in the spring, he will not be able to place the other half of the deck.

(END OF REMARKS.)

(Transcribed by Helen L. Kriebel, Stenotype Reporter)

(MR. COHEN'S REMARKS ON BILL NO. 3271-Wednesday, 10/20/93)

Mr. Cohen:

If I may add to that, Mr. O'Connor, I am not sure if your question is on the historical character or not, but just to finish with that issue, I want to thank the Department of Engineering and Construction, because the department showed a great deal of flexibility; we basically had to backtrack a little bit and the sensitivity to that bridge, which is a wonderfully historic bridge. And I think this new barrier will be much more in line with the historic character of the bridge than that concrete Jersey barrier, but at the same time it will be save for that speed limit for that bridge.

We realize, of course, that is not a major highway there and we don't necessarily need concrete Jersey barrier. I just want to thank the Department of Engineering and Construction for thinking in a new and creative way to make that happen.

Having said that, the next step is going to be that chain link fence, but we won't get into that.

(Deleted text.)

Mr. Cohen:

I think that is not as great a need -- would you agree, Mr. Reginella -- on the Schenley Park Bridge, however? And what I am hearing from you is that the city would be flexible on that, so long as we could convince the PUC, which is not going to be an easy matter.

Let me ask you, though, what would the timing be to be able to convince the PUC to put up a different fence there? The reason behind this, of course, for people who are listening, is that because of the historic nature of that bridge, having a cyclone over-arching fence will take away from the historic beauty of that bridge. So we want to have it save, but at the same time be consistent with that character.

My guess is, and it is really just a guess, is that that is one of the last things that will be constructed for the bridge, so does that mean we have time?

Mr. Reginella:

We have some time to wrestle with that problem. I would say we have several months to deal with that. If we get a position by March or April of 1994, I think that will be perfectly okay from the construction schedule standpoint.

Mr. Cohen:

Well, I have had continued discussions with the -- I think it is called the Ad Hoc Committee on Preservation of Schenley

Mr. Cohen Mr. Ricciardi
Mr. Ferlo Mr. Smith
Mr. O'Connor Mr. Wagner
Mr. Onorato (Pres't)

AYES 7 NOES none

And a majority of the votes of Council
being in the affirmative, the bill passed finally.

Mr. Smith presented

Bill No. 3331

Report of the Committee on General Services for
October 20, 1993 transmitting one resolution to
Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3267

A Resolution entitled, "Resolution providing for
a Contract or the use of existing Contracts to
purchase Computer Equipment for the Bureau of
Police at a cost not to exceed \$19,500.00,
chargeable to and payable from the Public Safety
Pennfree Initiative Trust Fund."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass
finally?"

The ayes and noes were taken agreeably
to law, and were:

Ayes:

Mr. Cohen Mr. Ricciardi
Mr. Ferlo Mr. Smith
Mr. O'Connor Mr. Wagner
Mr. Onorato (Pres't)

AYES 7 NOES none

And a majority of the votes of Council
being in the affirmative, the bill passed finally.

Mr. Ricciardi presented

Bill No. 3332

Report of the Committee on Engineering and
Construction for October 20, 1993 transmitting
two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3271

A Resolution entitled, "Resolution amending
Resolution #594, effective July 9, 1985, entitled
"Providing for an agreement or agreements, with
a consultant or consultants for professional
engineering services in connection with the
Design of the Rehabilitation of the Schenley Park
Bridge over Panther Hollow; and by increasing
the total project allocation by \$50,000.00 from
\$150,000.00 to \$200,000.00."

Which was read.

Mr. Cohen:

I'd like my comments brought forward on
Bill No. 3271.

(REMARKS ON FOLLOWING PAGES)

Also,

Bill No. 3265

A Resolution entitled, "Resolution granting unto Dianne L. Boo, 309 Glendon Street, Pittsburgh, Pennsylvania 15205, her successors and assigns, is hereby granted the privilege to construct, maintain and use at her own cost and expense a portion of a car port in the right-of-way of Gelndon Street in the 28th Ward, 2nd Council District of the City of Pittsburgh."

Which was read.

Bill No. 3285

A Resolution entitled, "Resolution granting unto Cupka's II, 2314 East Carson Street, Pittsburgh, PA 15203, their successors and assigns, the privilege an dlicense to construct, maintain and use at their own cost and expense, one double-faced business identification sign in the right-of-way of East Carson Street in the 16th Ward, 3rd Council District of the City of Pittsburgh."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen
Mr. Ferlo
Mr. O'Connor
Mr. Onorato

Mr. Ricciardi
Mr. Smith
Mr. Wagner
(Pres't)

AYES 7

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Ferlo presented

Bill No. 3330

Report of the Committee on Planning, Housing and Development for October 20, 1993 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3266

A Resolution entitled, "Resolution approving a conditional use exception under Section 993.01(a)A(8) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993, to the Podiatry Hospital of Pittsburgh for authorization to use and existing 2-1/2 story structure located at 235 South Negley Avenue as offices, truck unloading, receiving and storage of hospital supplies on property zoned "R4" Multiple-Family Residence District, 8th Ward."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Walluk:

I don't have the specifics on that, but if there was a safety hazard or a problem involved, then you should come to our department and we will take care of that.

I will look into this particular problem, see what happened. Furthermore, I will make sure that any work that they do in relation to their new project doesn't cause any public inconvenience.

Mr. Smith:

That is all I really wanted. If you have ever been up on this hillside, you know that the neighbors maintain property that the city owns. And the trench that was left made it unable to maintain that property. They did not like the weeds or the fact that the safety situation existed.

I will vote for this because Equitable provides a service to the residents of this district. But we must, as under any available Code and ordinance, enforce the fact that they must protect the general safety of our citizens.

Mr. Walluk:

I agree.

Mr. Smith:

I will support it. That is my only problem. It is not fact that they need that right of passage.

(END OF REMARKS.)

(Transcribed by Helen L. Kriebel, Stenotype Reporter)

(MR. SMITH'S COMMENTS ON BILL NO. 3264-Wednesday, 10/20/93)

Mr. Smith:

Second for discussion. Director Walluk, when we give these rights to place their pipeline through, do we have any requirements that they must meet?

Mr. Walluk:

In terms of placement, backfilling? If they are in a public street, yes, there are requirements. This particular thing is being buried within a grassy area where there are trees and stuff. They have to comply with all PUC regulations and building requirements.

Mr. Smith:

Who enforces these requirements?

Mr. Walluk:

The PUC has an inspector, but we enforce our own.

Mr. Smith:

Okay. The reason is that I will not say yes to this. This is not only in my Council district, but I am also the democratic committeeman for this district. And for one solid year they left gas pipes in a trench open, to which we wrote letters to the PUC, to the Mayor's Complaint Center. This was before I was on Council. And the neighborhood did not like the fact that this trench was there.

Mr. Walluk:

What street was that on?

Mr. Smith:

It was cutting down over the Lisbon Hill, coming down from Webster. The problem has been resolved, it was resolved four days after I got on Council.

The problem now is are we about to give them permission again and will I have to waste my time making sure that they do things in a timely manner. The community around there understood the need to do all this work, they have no problem with that. It was just the attitude that it was an entire fall, winter and spring that the pipeline went left open, as opposed to being buried.

A Resolution entitled, "Resolution transferring \$25,000.00 from Code Account 1457-9, Workers' Compensation, Index Code #145797, Department of Public Safety, Bureau of Police to Code Account 1490-9, Workers' Compensation, Index Code #149096, Department of Engineering and Construction."

Which was read.

Also,

Bill No. 3270

A Resolution entitled, "Resolution transferring \$8,500.00 from Code Account 1490, Equipment, Index Code #149005 to Code Account 1484, Supplies, Index Code #148403, both accounts within the Department of Engineering and Construction."

Which was read.

Also,

Bill No. 3273

A Resolution entitled, "Resolution providing for the transfer of funds in the amount of Fifty Thousand (\$50,000.00) Dollars to Code Account 1132-9, Workers' Compensation, Index Code 113290, from Code Account 1144, Gasoline, Index 114405."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen
Mr. Ferlo
Mr. O'Connor
Mr. Onorato

Mr. Ricciardi
Mr. Smith
Mr. Wagner
(Pres't)

AYES 7

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Cohen for Mr. Darkins presented

Bill No. 3329

Report of the Committee on Public Works for October 20, 1993 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3264

A Resolution entitled, "Resolution authorizing the Director of the Department of Public Works to provide a license agreement with the Equitable Gas Company, 420 Boulevard of the Allies, Pittsburgh, Pennsylvania 15219 to install a new underground gas line system on City owned property between Lisbon Street and Webster Avenue in the 5th Ward, 6th Council District of the City of Pittsburgh."

Which was read.

Mr. Smith:

I'd like to have my comments brought forward on Bill No. 3264.

(REMARKS ON FOLLOWING PAGES)

certain property, under Act No. 171 of 1984, entitled "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984."

Which was read.

Mr. Onorato moved to recommit Bill No. 3262.

Mr. Cohen seconded the motion.

WHICH MOTION PREVAILED.

Also,

Bill No. 3263

A Resolution entitled, "Resolution transferring the amount of Twelve Thousand (\$12,000.00) Dollars from Code Account 1676, Miscellaneous Services, Index Code 167601, Bureau of Environmental Services to Code Account 1708, Equipment, Index Code 170803, Bureau of Parks Maintenance, both accounts within the Department of Public Works."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen
Mr. Ferlo
Mr. O'Connor
Mr. Onorato

Mr. Ricciardi
Mr. Smith
Mr. Wagner
(Pres't)

AYES 7

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3268

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of U.S. Nuclear Regulatory Commission, License Fee and Debt Collection Branch, in the amount of \$2,120.00 in payment of the Annual Materials Fee Invoice; and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen
Mr. Ferlo
Mr. O'Connor
Mr. Onorato

Mr. Ricciardi
Mr. Smith
Mr. Wagner
(Pres't)

AYES 7

NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3269

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of the Commonwealth of Pennsylvania, Department of Transportation, in the amount of Six Thousand Nine Hundred Dollars (\$6,900.000 for repairs to Ohio River Boulevard."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
Mr. Onorato	(Pres't)

AYES 7 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3260

A Resolution entitled, "Resolution transferring the aggregate amount of \$20,000.00, Twenty Thousand Dollars, from Code Account 1046-1, Index Code 104612, Premium Pay, \$12,000.00, from Code Account 1052, Index Code 105205, Inspection, \$8,000.00 Office of the City Controller to Code Account 1052-9, Index Code 105296, Workers' Compensation, Office of the City Controller."

Which was read.

Also,

Bill No. 3261

A Resolution entitled, "Resolution amending Resolution No. 1186, Item A, effective November 19, 1992, which authorized the sale of a two story, brick house situated on a lot 15.46' x 100', 5th Ward, Block 10M, Lot 27, 2531 Elba Street, to Marlana D. Edge for the sum of \$1,500.00."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
Mr. Onorato	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 3262

A Resolution entitled, "Resolution providing for the conveyance by the City of Pittsburgh of

Councilman O'Connor is it your intent to vote on these bills tomorrow?

Mr. O'Connor:

Yes. It's a good point that we will have them. That is why also I wanted our outside legal consultants to advise us in which direction. Not only to collect the tax but even if we can go after back taxes, and as you say Jim, one percent of this money is going to the pensioners of the City, so it's a very important issue to collect that.

I think tomorrow if we can discuss it in full, I'll show you then the Solicitor should give us an opinion.

The Chair:

Who would you like here tomorrow from the Administration and/or possibly the Parking Authority?

Mr. O'Connor:

Someone from the Finance Department should be here. As Jim said, I think it's good that the Law Department is here, and the Director of the Parking Authority, because they collect a substantial amount of this money.

The Chair:

And, any backup data please provide it to all of us.

Mr. O'Connor:

Okay, I'll give you everything. Today, we'll give all the information I have.

The Chair:

Good.

REPORTS OF COMMITTEES

Mr. Cohen presented

Bill No. 3328

Report of the Committee on Finance for October 20, 1993 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2921

A Resolution entitled, "Resolution authorizing and directing the Director of Finance to advertise for proposals and to award and enter into a Contract or Contracts with a commercial realtor or realtors to market City of Pittsburgh tax delinquent properties." (AS AMENDED IN COMMITTEE)

Which was read.

The Chair:

I'd like to entertain a motion to recommit 2921, so I can make appropriate amendments tomorrow in Committee, but not the same as the suggested substitute bill of the Administration.

Mr. Cohen moved to recommit Bill No. 2921.

Mr. Ferlo seconded the motion.

WHICH MOTION PREVAILED.

Also,

Bill No. 3228

Account 1401, Misc. Services, Dept. of Public Safety, Bureau of Administration.

Which was read and referred to the Committee on Finance.

Mr. Ricciardi presented

No. 3324 Resolution providing for a warrant in favor of Public Strategies, Inc., in the amount of \$1,600.00 in payment for professional services rendered to Councilman Ricciardi for the month of October 1993, chargeable to and payable from Code Account 1001-2, City Council, Council District No. 3.
—(SPONSORED BY MR. RICCIARDI)

Which was read and referred to the Committee on Finance.

Mr. Ricciardi moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Cohen seconded the motion.

Which motion prevailed.

Mr. Smith presented

No. 3325 Resolution providing for the City of Pittsburgh to participate in or purchase off contracts for goods, materials or equipment entered into by the County of Allegheny, pursuant to the Pennsylvania Intergovernmental Cooperation Law, Act 180 of 1972 as amended by Act 148 of 1986.

Which was read and referred to the Committee on General Services.

The Chair presented

No. 3326 Resolution changing the name of Alton Field in the 19th Ward of Pittsburgh to Jim Rawe Field. —(SPONSORED BY MR. WAGNER)

Which was read and referred to the Committee on Parks and Recreation.

Also,

No. 3327 Communication from Michael Perry, City Clerk, submitting Third Quarter Travel Reports for 1993 from various departments.

Which was read, received and filed.

UNFINISHED BUSINESS

Mr. Ferlo:

Just on the earlier matter. Mr. O'Connor has submitted some very important legislation regarding this whole issue of revenues under the parking tax. It's important for lots of obvious reasons including the concern on the part of many retirees on exactly what percentage of that amount of revenue will be for the additional benefits trust fund.

I'm only concerned and I'm certainly supportive, and I applaud his initiative. I would like since we did waive Rule 8 and I hope that we can do this. I would like some type of legal opinion either from our own efforts and/or the Solicitor on the issue of the CPA firm and what rights we have in directing that CPA firm to do audits of parking operators. I would like clarification on that issue? So, I'm saying this now so that the Solicitor and others will be ready, because we did waive Rule 8 and this issue will be coming up tomorrow.

The Chair:

Which motion prevailed.

Mr. O'Connor presented

No. 3317 Resolution for City Council to investigate alleged improprieties with regard to the collection of the City's parking tax, pursuant to Section 312 of the City Charter.

---(SPONSORED BY MR. O'CONNOR)

Also,

No. 3318 Resolution providing for City Council to retain its own attorney for the investigation into the collection of the City's parking tax revenues. --- (SPONSORED BY MR. O'CONNOR)

Also,

No. 3319 Resolution authorizing and directing Pittsburgh City Council to retain a Certified Public Account firm, for the purpose of conducting a comprehensive review of 1992 Parking Tax Revenues and to conduct a review of pertinent ordinances and regulations effecting the collection of the City's parking tax; and to review the methods employed in order to insure compliance with the aforementioned ordinances and regulations. --- (SPONSORED BY MR. O'CONNOR)

Which were severally read and referred to the Committee on Finance.

Mr. O'Connor moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. Smith seconded the motion.

Which motion prevailed.

Also,

No. 3320 Resolution transferring the aggregate amount of \$51,000.00 to Code Account 1830, Salaries, Regular Employees, from Code Account 1804-3 Schenley Park Golf Course Trust Fund Transfer, to amount of \$23,000.00 and from Code Account 1132-7, Utilities, the amount of \$28,000.00. This transfer is necessary to pay salaries for the remainder of the year.

Also,

No. 3321 Resolution transferring the amount of \$20,000.00 from Code Account 1804-3 Schenley Park Golf Course Trust Fund Transfer, to Code Account 1831, Wages, Regular Employees, in the Department of Parks and Recreation. This transfer is necessary to pay wages for the remainder of the year.

Also,

No. 3322 Resolution transferring the amount of \$50,000.00 from Code Account 1470-9, Workers Compensation, in the Dept. of Public Safety to Code Account 1808-9, Workers Compensation, in the Dept. of Parks and Recreation. This transfer is necessary to pay Workers Compensation expenses for the remainder of the year.

Which were severally read and referred to the Committee on Finance.

Mr. Onorato presented

No. 3323 Resolution providing for the issuance of a warrant in favor of Employers Mutual Association, in the amount of \$5,887.00 in payment of background services of newly hired police officers for the Administration Bureau, chargeable to and payable from Code

No. 3313 Resolution amending the Pittsburgh Code, Title Nine, Zoning, Article III, Chapter 921.02, Zoning District Map No. 12, by changing from "S" Special District to "R4" Multiple-Family Residence District all that certain property having 105 feet of frontage on the westerly side of Lydia Street and bounded by: Lydia Street and bounded by: Lydia Street; Lot 35 in the William Barker, Jr. Heirs Plan of Lots, recorded in Plan Book Volume 19, Page 58; Raff Street; Lot 48 in the aforesaid Plan; Anthony Street; Raff Street; and the "R4" zoning district boundary line located north of Alger Street; 15th Ward, Council District No. 5.

Also,

No. 3314 Resolution approving a Conditional Use Exception under Section 993.01(a)(33) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993, to Greenfield Terrace Apartments, Inc., for authorization to construct a six-story structure with 40 units of housing for the elderly at 3908 Lydia Street and with parking to accommodate 8 automobiles on property zoned "R4" Multiple-Family Residence District, 15th Ward, Council District No. 5.

Also,

No. 3315 Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire certain property in the 17th Ward of the City of Pittsburgh owned by USX Corporation a site consisting of approximately 2.6 acres of vacant land bounded by South 16th Street, Muriel Street, South 17th Street, P&LE Railroad, and the Monongahela River and designated in the Deed Registry Office of Allegheny County as Block and Lot 12-A-130 and 12-E-120, under the Residential Land Reserve Fund for the sum of \$612,000.00. The Authority anticipates selling the property for the development of approximately 60 new houses. (Council District

No. 3)

Which were severally read and referred to the Committee on Planning, Housing and Development.

Also,

No. 3316 Resolution providing for the implementation of a Residential Parking Permit Program (RPPP) Area "V" in the Shadyside community pursuant to Pittsburgh Code Chapter 549. (Due to the lack of visible community opposition, the Law Department recommends that City Council forego a public hearing in order to hasten the approval process).

Which was read and referred to the Committee on Planning, Housing and Development.

Mr. Ferlo:

Mr. President, on the last bill, I'd like to extend Mr. Cohen. If I could address my colleague? I know it takes many months often times when they have a group to finally reach the point in which the Residential Sticker Parking program will come into fruition. What I would suggest is that we waive Rule 8 on that bill so it can be on the agenda tomorrow. I don't know if a public hearing is going to be asked for. It's not required. This is on Area "V" for extension on the Residential Sticker Parking in Shadyside.

The Chair:

Any objections Councilman Cohen?

Mr. Ferlo moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Darkins seconded the motion.

Also,

No. 3307 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Also,

No. 3308 Resolution providing for conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Also,

No. 3309 Resolution providing for conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Which were severally read and referred to the Committee on Finance.

Mr. Smith:

I'd like the record to reflect my affirmative vote for the last three Resolutions.

Mr. Cohen for Mr. Darkins presented

No. 3310 Resolution transferring the amount of \$50,000.00 from Code Account 1470-9, Workers Compensation, Dept. of Public Safety, Bureau of Fire, to Code Account 1665-9, Workers Compensation, Dept. of Public Works, Bureau of Environmental Services and transferring the amount of \$80,000.00 from Code Account 1470-9, Workers Compensation, Dept. of Public Safety, Bureau of Fire, to Code Account 1708-9, Workers Compensation, Dept. of Public

Works, Bureau of Parks Maintenance. This transfer is necessary to cover Workers Compensation costs for the remainder of 1993 for the Bureau of Parks and Recreation and the Bureau of Environmental Services.

Also,

No. 3311 Resolution transferring the amount of \$20,000.00 from Code Account 1676, Misc. Services, Bureau of Environmental Services to Code Account 1610, Misc. Services, Bureau of Operations, both accounts within the Dept. of Public Works. This transfer is needed to cover various miscellaneous expenditures for the remainder of 1993.

Which were read and referred to the Committee on Finance.

Mr. Darkins moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. Ricciardi seconded the motion.

Which motion prevailed.

Also,

No. 3312 Resolution providing for a Contract or Contracts, or the use of existing Contracts for flexible beam guiderails throughout Riverview Park at a cost not to exceed \$70,000.00, chargeable to and payable from Code Account 3-01-40-0082-93, Riverview Park Flexible Beams Guiderails.

Which was read and referred to the Committee on Public Works.

Mr. Ferlo presented

has been for the promotion of civic, cultural, social, educational and the religious well being of the community. This commitment continues to be expressed through the club's Christmas parties for troubled youth, supporting the local YMCA, sponsoring camp scholarships, annual excursions for friends and relatives, support of the Martin Luther King, Jr., Reading Center and the Negro College Fund, and support of the Council of Churches; and

WHEREAS, The Schenley Heights Neighborhood Club has engaged in a countless number of projects in the community, which has contributed to building a sense of pride in the community: The projects include PA Pitt Partners in Clean-up Campaigns Beautification of the Yards Program, and Sponsoring booths at community festivals; and

WHEREAS, on the 45th Anniversary of the Schenley Heights Neighborhood Club, the torch has been passed to the second generation to continue the work of this marvelous group and to STRIVE FOR EXCELLENCE.

Mr. Smith moved to adopt the Resolution.

Mr. Ricciardi seconded the motion.

Which motion prevailed.

Mr. Smith presents

No. 3345 WHEREAS, women have always played a viable role in implementing the mission of the church at home and abroad to better the condition of human kind; and

WHEREAS, in the year 1918, a young Christian woman named Eva Bruce Wright had the vision of a group of women dedicated to do home and foreign mission work, and formed the Young Women's Missionary Circle of Christian Tabernacle Church; and

WHEREAS, after the Killingsworth Mission was founded by the church in Liberia, West Africa, the Circle's activities was to supply the needs of the mission; sending medical supplies, books and clothing. This was achieved under the Auspices of Mrs. M. Mae Davis; and

WHEREAS, the missionary society continues to make a difference in their own community, through its Home Missionaries by its services to the Lemington Home for the aged, supplying of Christmas baskets to the need, home visitations to the sick and shut-ins, educational ministry, and through a dynamic Christian witness; and

WHEREAS, the leadership, work, dedicated service of all the Presidents of this group will always be remembered as well as its members for they continue to give to others unselfishly, with compassion, and love for human kind.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh extends praise and honor to the Missionary Society of Christian Tabernacle Church for its 75th year of continued service at home and abroad for the cause of others.

Mr. Smith moved to adopt the Resolution.

Mr. Onorato seconded the motion.

Which motion prevailed.

Mr. Cohen presented

No. 3306 Resolution Repealing Resolutions, approved on various dates, authorizing the sale of properties in various wards of the City of Pittsburgh, in accordance with Act No. 171 of 1984.

Ms. Milliones:

On behalf of the whole Milliones family, I would just like to say thank you. This is indeed a great honor, and I would like to thank Councilman Smith and all the Council members, and the 3-5 Community Advocates for recognizing my fathers tireless efforts. Thank you.

Ms. Smoot:

Well, I don't really have anything to say other than the things that our organization will do will speak for itself, and I was just happy that I was able to do something that Jake once did, and see that it comes out successful.

But, I would like for Jake's uncle, Uncle Buba, Mr. James Archie to say a couple of words. You can see the striking resemblance.

Mr. Archie:

To Councilman President Jack Wagner other Council members, I'm very pleased at what you are doing on behalf of my late nephew Jake Milliones. He seized every opportunity to do everything he could for anyone who stood in need in any way. What you are doing today exceeds the efforts that we ourselves tried to do for his memorialization. We thank you.

Mr. Smith:

And, just one last word. This is yet another volunteer community organization that is coming forward to not only keep the memory of Dr. Jake Milliones alive, but also to work with our young people to have them involved in the community, and let them see that we as adults are working with them.

And, I want to thank my fellow Council members. I want to thank everyone here and

we'll be back again next year.

The Chair:

I want to compliment Councilman Smith for presenting the Resolution, and all of you in honor of Jake. Everyone here in Council got to know him very very well, and to say the least he was the kind of person the more you got to know him the better you appreciated him. Thank you, very much.

Mr. Smith presents

No. 3344 WHEREAS, on October 12, 1948 a small group of six dedicated African American women met at the home of Mrs. Gertrude Stokes to discuss ideas for a neighborhood club. The names of these women were Mrs. Ella Carpenter, Mrs. Remah Hord, Mrs. Julia Goode Leach, Mrs. Pearl Miller and Mrs. Hattie Moon; and

WHEREAS, Lords of London was founded over a cup of tea. The schenley Heights Neighborhood Club was founded at a tea held at the home of Mrs. Julia Leach on October 31, 1948, with a strong commitment to serve the community; and

WHEREAS, since the founding of this club to this present day, the Schenley Heights Neighborhood Club has served the community in the promotion of better civic and social relations within the neighborhood, and with other civic groups; and

WHEREAS, its members have served as creative liaisons to foster the hopes and aspirations of the community, the quality of life of its citizenry, and encouraged youth to aspire to achieve higher academic goals; and

WHEREAS, for more than four decades, the commitment of the Schenley Heights Club

We also have with us Dr. Milliones' daughter Beatena Milliones, who will accept the Resolution. Please let me read it into the record.

Mr. Smith presents

No. 3343 WHEREAS, Dr. Jake Milliones, a clinical psychologist, was elected to Pittsburgh's City Council on November 2, 1989, sworn into office January 4, 1990 to represent the Sixth Council District, and was appointed Chairman of the Finance Committee.

WHEREAS, Dr. Jake Milliones' exemplary leadership was demonstrated by his numerous organizational affiliations. He was a member of the following Boards of Directors: the urban Redevelopment Authority, Hill District Project Area Committee, the Hill District Community Development Corporation, and President of the Pittsburgh School Board. Jake was also a member of the Allegheny Policy Council, the Allegheny Conference, and a Trustee of the Carnegie Institute of Pittsburgh; and

WHEREAS, Councilman Dr. Jake Milliones' herculean leadership left an indelible impact on the City of Pittsburgh, the Sixth Council District, and especially the African-American community. For example, Jake was responsible for the City allotment of \$385,000 in maintenance funds to Kennard Field and \$2.1 million in repairs to Ammon Recreation Center; and

WHEREAS, Jake was involved in an ongoing struggle for equal rights, he called for an investigation into the hiring practices at the Allegheny County Jail when 18 guards were hired by the County and only one minority; and called for an increase in the number of minority paramedics because only 15 of Pittsburgh's 176 paramedics were members of racial minorities. He also spearheaded the Pittsburgh movement

against apartheid in South Africa; and

WHEREAS, Councilman Milliones became directly involved with constituents of the Sixth Council District by sponsoring a number of community activities such as the Annual Halloween Party for children. On Saturday, October 30, 1993, the 3rd Annual Jake Milliones Halloween Parade and Party will be held.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh declares Saturday, October 30, 1993 as Jake Milliones Day in the City of Pittsburgh, sponsored by the 3-5 Community Advocates, who, through the kindness and generosity of friends, Council Members and local business, this event has been made possible; and

BE IT FURTHER RESOLVED, that even in the absence of Councilman Dr. Jake Milliones, his efforts and spirit are very much with us as we attempt to keep parts of his vision alive.

Mr. Smith moved to adopt the Resolution.

Mr. Cohen seconded the motion.

Which motion prevailed.

Mr. Smith:

It gives me great honor -- I'm going to actually call Dr. Smoot up here in a couple of moments, but I watched this young lady grow up. I live around the corner and it just makes me very proud to see that you've grown up to be such a fine young lady. And, I'll be honest you have big shoes to fill because your father was out there. I know that you're going to carry on the work and I'm just very proud that you're still in the community and working hard. Thank you, Beatena.

please. I guess we could call this kids day in Council. We have a lot of children in our City, and I think you'll be very impressed with Jennifer. I'm going to read her proclamation, but I also want to mention Hazelwood gets some negatives too, but this is the real Hazelwood. 99 percent of the people in Hazelwood is a great community and Pat DiJulio is a teacher at St. Stephens has been very active in helping us with our tutoring program.

Last year we started with 50 kids from Pitt, this year we have over 150 in three schools. Her and her teachers stay after school and work with the kids, and line them up and its just a great community, and I'm so proud to have Jennifer here to read this to represent most of the kids in the City of Pittsburgh.

Mr. O'Connor presents

No. 3342 WHEREAS, Jennifer Stoessel, a sixth grader at St. Stephen's Elementary School, received one of two full scholarships offered to the children of the State of Pennsylvania by the McMillan Publishing Company Scholarship, to attend Space Camp in Huntsville, Alabama; and

WHEREAS, Jennifer Stoessel qualified for the scholarship by maintaining an "A" average, while being involved in a variety of extracurricular activities, including girls basketball, the St. Stephen's Christmas musical, and Diocesan Space Camp in 1992, and proving herself capable of traveling alone to Alabama; and

WHEREAS, Space Camp is a nationally recognized program that successfully teaches children math, science and environmental awareness through creative space-related projects and encourages children to learn about the possibilities for themselves and the world.

NOW, THEREFORE, BE IT

RESOLVED, that the Council of the City of Pittsburgh hereby commends Jennifer for her dedication and outstanding performance, and further congratulates Jennifer for receiving the McMillan Publishing Company Scholarship, as an honor to both the City and her school.

Mr. O'Connor moved to adopt the Resolution.

Mr. Ferlo seconded the motion.

Which motion prevailed.

Mr. O'Connor:

And, remember this was in the whole State of Pennsylvania, she was one of two kids.

Miss Stoessel:

Thank you, very much. I would like to thank my teacher Mrs. DeJulio and my Principal, and my school St. Stephens for giving me the opportunity to go to Space Camp. I had a really great time.

Mr. O'Connor:

I think they're a little bashful, but congratulations. Also, we introduced in our after school program which Council supported, we're testing in Gladstone we have space camp there. There is a waiting line to join it, and I hope Jennifer you can come down and speak to the kids and tell them about your experiences.

Mr. Smith:

I'd like to call up the 3-5 Community Advocates, while they're coming up I want to tell you that this is an organization that is involved in civic, our youth, and the political environment in the community, and I'm very proud to present this.

Mr. O'Connor:

Congratulations and keep up the good work.

Mr. Hanley:

Thanks very much. The Greenfield organization is one of many community volunteer organizations that you have in this City, and I think it's apropos being here today and seeing so many of them represented. So, for all the bad things we hear, there are many of them in the community throughout our City that are working to try to do things better.

One of the outgrowth organizations of the Greenfield organization is G.R.A.D.E., and I'd like to have Rich Klepick speak more about that, thank you.

Mr. Klepick:

In our community we saw a need for more activity with grown ups with adults trying to get the kids involved, and we thought with the drug and alcohol issue rather than deal with it from the police aspect or from the treatment, why not deal with it from the prevention aspect.

It's more economical. We can save a life. We can have productive member of society in the future. We can work with the community in several different ways. We want to get all of the elements of our community involved. The legal community, the religious community, the political community, everyone that we can get involved in the prevention effort, and I emphasize prevention. If we can prevent a kid from getting into drugs and getting into alcohol and the lifestyle that is a result of that, then I think Greenfield will be much better place to live.

There's other groups like ours across the City and we're gradually getting to know each

one of those and through the network possibly we can save some lives.

I'd really like to thank Councilman O'Connor and other Council members for the moral support that you've given us. The police have given us a lot of support and that really helps us in the community because it opens doors for us, and without the Greenfield organization G.R.A.D.E. I guess wouldn't exist right now.

Mr. Hanley:

One of the things that we got was Mothers Against Drunk Driving (MADD). I called Ms. Baxter and she offered to give us 2,000 ribbons, and what we're doing today, we're in Greenfield School, St. Rosalia School, Minadeo School. What we're doing today is we're giving these to the children to ask them to take home to their parents so they can tie these on to their antennas and on to the door handles of their cars, or wherever as a symbol of prevention of drug and alcohol abuse.

As long as we can keep the message up for the kids and let them know that the adults really care. Maybe we can save a couple of lives. So that's basically what we're doing here. We have a lot of other activities going on in the community.

In the future we're going to be doing designated driver programs inside the taverns. We're going to try to improve the relationships of our tavern owners with the community. We're going to be working with the police with the D.A.R.E. program. With the COPS program. So there's many elements that we're doing it's just starting to build now, and we really appreciate Council's support.

Mr. O'Connor:

Would the Stoessel family come up

it, you make it, and you look at what you've done, and from that you make new decisions. You go on and make other pieces, you make a decision to put it on a shelf and forget about it. But, those three steps go with you everywhere. You could be designing rocket ships, you could be sitting here at City Council, but the idea is you produce something. You think about it before hand, you produce it, and then you think about you've done.

The arts are a wonderful way for all of us to do this without feeling threatened. It's kind of a feel good way to do it, but it's not a feel good subject at all. It's a very serious thing to consider for every child's education.

And, the teachers who we are celebrating with our Teachers Artist Show are those people who are charged with our children to have them think creatively, and to have them produce, and that will make them better citizens in the future. So that's why we do this, thank you.

The Chair:

I'd like to welcome to City Council today, Professor Gary Lilly from West Minster College in New Willmington, Pa., along with 17 students that are here to observe Council. Not all of Council is as congenial as you have seen. There is extensive debate on a number of issues and maybe some later.

Mr. O'Connor:

I'm very honored to have two outstanding community workers from Greenfield. We have Rich Klepick and Jim Hanley. I'm disappointed Jim III and Colleen didn't come with you. They want me to go to everyone of your events so here we're having one and they didn't come. I'm disappointed the kids didn't come. I hope they're going to watch tonight on television.

But, these two gentlemen are very active

in their quiet way. Jim will be the new District Justice in Greenfield and Spike is a lifelong friend of mine and he's very active in the community.

Mr. O'Connor presents

No. 3341 WHEREAS, since March 1993 Greenfield Residents for Alcohol and Drug Education, or G.R.A.D.E., have held a variety of important activities in the Greenfield community, including providing drug and alcohol abuse prevention literature at community affairs, in an effort to educate the community about the problems associated with substance abuse; and

WHEREAS, G.R.A.D.E. is sponsoring creative substance abuse prevention activities for October 24-30, 1993, including poster and essay contests, creation of a G.R.A.D.E. Community Prevention Calendar to be used for fund-raising, guest speakers at the Magee Senior Center, middle schools and high schools, and a child fingerprinting and photo identification session; and

WHEREAS, Ms. Arlene Baxter of the Allegheny/Westmoreland Chapter of M.A.D.D. will supply red ribbons to distribute to all school kids and community residents, to wear as a symbol of their support for drug prevention.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh recognizes and admires the initiative demonstrated by G.R.A.D.E. to address drug and alcohol abuse in Greenfield and hereby declares the week of October 24-30, 1993 to be Red Ribbon Week in the City of Pittsburgh.

Mr. O'Connor moved to adopt the Resolution.

Mr. Darkins seconded the motion.

Which motion prevailed.

Project Zero; and

WHEREAS, juror for the exhibit is Sheena Wagstaff, Curator of Clayton and Education, Frick Art and Historical Center; and

WHEREAS, Co-sponsors of the exhibit are the Pennsylvania Council on the Arts and Dollar Bank, which also presents three Awards for Excellence. This year's winners are: Patricia Pitt of Columbus Traditional Academy; Hillary Steel of Pittsburgh's School for Creative and Performing Arts (CAPA) and Ellis School; and Gwen Korvick of West Allegheny Junior High School, with an Honorable Mention for artistic contribution presented to Deborah Kline of Marshall Middle School; and

WHEREAS, the 36 juried pieces representing 25 schools reflect the vitality and professional commitment of so many of our children's teachers; and

WHEREAS, Pittsburgh Fund for Arts Education is a non-profit service organization which promotes the arts as basic to every child's education, K-12.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh declares the week of October 24, 1993 as Teacher/Artist Week in the City of Pittsburgh and applauds the honorees for their artistic and cultural contribution.

Mr. Ferlo moved the adopt the Resolution.

Mr. Ricciardi seconded the motion.

Which motion prevailed.

Mr. Ferlo:

Very briefly, I just want to introduce Jim Carroll, who's been here before. We know him

mostly as Vice President of Community Affairs at Dollar Bank. One of Jim's activities, I know he's active in many different organizations. He is also President of the Pittsburgh Fund for Arts Education. Tay Stydler, who's the Staff Director for the fund, and I'd like them both to come forward, receive the proclamation and say a few words about what's happening this week.

Mr. Carroll:

Thank you, I also will be brief. I wanted to say just one thing. It's very important in everyone's lives as you've seen this morning from the number of people who've been up here to get some recognition for the things that they do.

That was the idea behind the Teachers Artists Exhibit, because many times the teachers of art have an opportunity to empower the students to grow into what they want to become in the arts world, and it's not often that the teachers of art get an opportunity to get rewards and recognition for the works that they themselves produce.

This show which opened last night at the Wintergarden is a magnificent show, and I invite all of you Councilmembers and the audience to go down to the Wintergarden. The show will be there for another month, and view these pieces. There are some magnificent pieces and I think you'll enjoy the show, and we appreciate the support of City government. Thank you.

Speaker:

If I could just say something briefly. One is I'm sorry that we lost our audience. I saw all these school children here and I thought how wonderful to talk to them. The very important thing about arts education it's something that reaches out to every individual regardless of whether you consider yourself an artist or not is that in producing a piece of work you think about

hard. They do a lot in our neighborhoods and because of the tremendous volunteer efforts of people that are being honored here today.

I've worked with Grace, specifically for a long time. I'm very honored that she's one of the Volunteers of the Year, because she's the volunteer of the decade. She's done a lot of work not only in Lawrenceville but throughout the Eastend. She's very active in the Lawrenceville Blockwatch Network. She attends all the meetings and works on countless assignments. I know her also from the Halloween Parade that we do down in Lawrenceville, the Christmas party, all kinds of things; that Grace over the years has worked very, very diligently on.

And, I just applaud Eastside and the neighborhood groups making up the Eastside Alliance for also picking Grace as the Volunteer of the Year. I just want to applaud your efforts and keep on keeping on.

Mr. Darkins:

My comments will be ditto.

Mr. Cohen presents

No. 3339 WHEREAS, the Pittsburgh Athletic Association, located at 4215 Fifth Avenue, is a non-profit athletic facility and social club which improves the quality of life for its members; and

WHEREAS, the Pittsburgh Athletic Association was founded in 1909 to improve the physical and social well being of Pittsburghers.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and the Council of the City of Pittsburgh hereby declare the Pittsburgh Athletic Association to be a civic and/or service organization within the context of the Pennsylvania Small Games of Chance Act, as

amended.

Mr. Cohen moved the adopt the Resolution.

Mr. Ricciardi seconded the motion.

Which motion prevailed.

Mr. Ferlo:

I'd like Jim Carroll to please come here from Dollar Bank and from the Pittsburgh Fund for Arts Education as well as Tay Stydler.

Mr. Ferlo presents

No. 3340 WHEREAS, a juried exhibition of works produced by art teachers throughout Allegheny County and Region I of the Pennsylvania Art Education Association will open at the PPG Wintergarden on Monday, October 25, and;

WHEREAS, the Fifth Biennial Teacher/Artist Exhibit, sponsored by the Pittsburgh Fund For Arts Education will debut with a reception and award presentation from 5-7 p.m. at the PPG Wintergarden, and continue through November 12, 1993, free and open to the public; and

WHEREAS, this year's exhibit showcases the diverse and accomplished results of art teachers personal efforts and also examines the two predominant arts education methods in use in our school today. They are: Discipline-Based Arts Education (DBAE), in which students are encouraged to think and talk about art from various perspective, and ARTS PROPEL, an alternative approach to which artistic production is central; and

WHEREAS, Pittsburgh City Schools served as a research site for ARTS PROPEL under the direction of Harvard University's

Mary's Roman Catholic Church, Josephine Foulk of the Trinity Baptist Church, and Melissa Kanaan of West Penn Hospital; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh hereby proclaims Thursday, October 28, 1993 as EASTSIDE ALLIANCE DAY in the City of Pittsburgh.

Mr. Cohen moved to adopt the Resolution.

Mr. O'Connor seconded the motion.

Which motion prevailed.

Mr. Cohen:

Thank you, very much, Members of Council. We give this proclamation every year, and every year the Eastside Alliance with all of the neighborhood organizations and CDC's that are incorporated with it, and the business associations get better and better.

This is the Sixth Annual Neighborhood Awards Dinner which is going to be taking place on Thursday. We have with us today, Christine Conn, who is the Dinner Chair. Thank you, Christine for all your hard work in putting the dinner together; Leslie Riker, who is head of the East Side Alliance; Mark Stroup who is -- well I think we can say now you are Eastsider of the Year, and will be officially recognized as that on Thursday. Grace Boncuk, thank you, very much for being here from the Lawrenceville Citizens Council. Grace is going to be recognized as the Volunteer of Year; and Cole Van Ormer of the Friendship Preservation Group, who is also going to be recognized as the Volunteer of the Year.

A group like this is important because the whole is greater than the sum of its parts. And, I just want to congratulate you for all the work that

you've done this year and over the years in our neighborhoods, and would like the Eastsider of the Year, Mark Stroup to receive this proclamation, and to say a few words for us, and then Councilman Ferlo and Councilman Darkins as well. Congratulations.

Mr. Stroup:

Thanks very much. It's very nice for a Friendship resident to be up here and not have to work on zoning issues.

I'd like to thank first Leslie Riker, who does a wonderful job and is working with some very wonderful people, and I would to accept this award on behalf of all these honorees, and I'd like to also thank the Bloomfield/Garfield Corporation's Board and staff, who make people want to do this, who make people want to kind of work a little bit harder, and as can be attested by the "I Have a Dream" people, who were just here, and the people on behalf of that initiative.

I know Natalie Taaffe and Gail Griffin, and if those people are behind the initiative this thing's going to happen, and our neighborhoods on the Eastside have got a brilliant future ahead of us. Thank you, very much.

Mr. Ferlo:

I can only echo on Mr. Cohen's comments about all the great organizations that make up the Eastside Alliance. I believe a good portion of those groups are in my Council District, and I've had the pleasure of working with many of the volunteers that work very hard.

Usually, you see them all in this room because we're battling a zoning issue or some public hearing on an important community concern.

But, again those organizations work very

Mr. Cohen:

We also have from GSIA, Jan Wagner, Kevin Boyle, Jeff Hanolla, Karen Heller, Thomas Swawn, and we have about 20 or so students from the Fort Pitt Elementary School. I think that's the best way to conclude this proclamation, which is to look at the bright and beautiful faces that we have here and look forward to that bright future that they're going to have, and to give our last proclamation here to the Principal of Fort Pitt Elementary School, Dr. Griffin. Congratulations.

Mr. Ferlo:

I just want to welcome Mr. Lang to our great City. I think we in this room certainly know of the outstanding philanthropy of the Carnegie's and the Scaife's and a lot of other great folks who have left this City so magnificent, buildings and structures that we very much treasure today.

I think Mr. Lang's philanthropy has equaled and maybe even surpassed that because we're talking about a lasting contribution of magnificent minds that he's helping to contribute to. And, I just want to thank him on behalf of all this Council in the City of Pittsburgh, and especially these young people who have taken up the challenge, and are lucky enough to go to the greatest school, and that's Fort Pitt with Gail as Principal.

Mr. Cohen:

This is a proclamation from myself, Councilman Reverend Duane Darkins, and Councilman Jim Ferlo for the East Side Alliance that is having their dinner on Thursday.

Mr. Cohen, Mr. Ferlo and Mr. Darkins presents

No. 3338 WHEREAS, the Eastside Alliance is a cooperative effort of the Eastside neighborhoods of Bloomfield, Friendship, Garfield, Lawrenceville and Polish Hill; and

WHEREAS, the Eastside Alliance is a coalition of the following community organizations: Bloomfield Blockwatch, Inc., Bloomfield-Garfield Corporation, Friendship Development Associates, Friendship Preservation Group, Garfield Jubilee Association, Lawrenceville Business Association, Lawrenceville Citizens Council, Lawrenceville Development Corporation, Penn Merchants Triangle and the Polish Hill Civic Association; and

WHEREAS, these neighborhoods are working together to maintain and improve their communities as vibrant places for young and old to live and work; and

WHEREAS, the Eastside Alliance was created because each neighborhood can be even stronger if they all work together;

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends Eastsider of the Year, Mark Stroup; and Volunteers of the Year Audrey Larus of the Bloomfield Blockwatch, Inc./Bloomfield Foodshare, Darlene Summers of the Bloomfield Garfield Corporation, Jack Schimmel of the Bloomfield/Lawrenceville Lions Club, Ron Bartlett of the Friendship Development Associates, Cole Van Ormer of the Friendship Preservation Group, John J. Clark of the Garfield Jubilee Association, Greg Broujos & Aldred Buccigrossi of the Lawrenceville/Bloomfield Meals on Wheels, Grace Boncuk & Patricia Hanlon of the Lawrenceville Citizens Council, David Dombrowiak of the Lawrenceville Development Corporation, Regis Kirby of St. Francis Medical Center, Anne Stokan & John Migliaccio of St.

recognition of the Graduate School of Industrial Administration (GSIA) of Carnegie Mellon. That has a very extraordinary dimension and that colleges and universities these days tend to be much more concerned about their own inside conditions, and I think it is wonderful that Carnegie Mellon is setting a pace that whereas part of its mission it is now reaching out into the community and taking a responsibility for the total educational process of the youngsters of Pittsburgh.

I would also like to comment with special appreciation to this wonderful Principal, lady over here Dr. Gail Griffin. She's not just a wonderful principal, she's a phenomenon, and I must say it's just wonderful to have her on our side.

But, above all I want to congratulate all of the dreamers. I know the Councilman said that every youngster that can make all the way will be assured a college education. I just want to change the emphasis of those same words telling you dreamers every one of you can make it, and all of us will take pride in seeing you some day getting your very own high school diploma. Congratulations to all of you and thank you, very much.

Excuse me, I know this is not right but I can't overlook one of the most important elements and perhaps the key dynamic of the entire occasion and that is the students of Carnegie Mellon. They're the ones who picked up the idea and ran with it. I compliment the Administration of Carnegie Mellon for having the good sense to support them, but it was the students that picked the ball and ran with it. And, I just wanted to be sure that they're included in our appreciation.

Mr. Cohen:

That's very true and I believe it was back

in May that you came up with the idea for this and between May and October you put together a fantastic organization, and by the way have raised a lot of money.

So, let me introduce some other very, very important elements today. You have met Dr. Gail Griffin who is the Principal at Fort Pitt Elementary School, and is doing a great job keeping the kids in order right now. And, they're going to have a kick off for this program at 3:30 today at Fort Pitt Elementary School in Councilman Jim Ferlo's District, and Councilman Darkins' as well. Councilman, if you could come and join us to, we would appreciate it very much.

We also have with us today, Natalie Taaffe, the Associate Dean at GSIA, who has done an absolutely marvelous job, and also done a marvelous job on Ann Devlin, while Mr. Lang was on with the President; and Matt Wagner, who's going to say a few words on behalf of GSIA.

Mr. Wagner:

Thank you, Councilman Cohen. On behalf of all the students at Carnegie Mellon and the Carnegie Mellon community who are involved with the students at the Graduate School of Industrial Administration, the Heinz School of Public Policy, the Industrial Management Undergraduates, and the Black Graduate Student Organization, it is just terrific the recognition and the attention that you're giving to this program, and with that attention and with that focus this program cannot help but succeed.

We have devoted a lot of energy and people on the staff have also devoted tons of energy, and we will make sure that the end result of this program is that these kids can achieve their dreams. They can define them and they can achieve them. Thank you, Councilman Cohen.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends that I Have a Dream Foundation of Pittsburgh for their inspiring contribution to the youth of our City; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh declares Tuesday, October 26, 1993 to be the I have a Dream Foundation of Pittsburgh Day in the City of Pittsburgh.

Mr. Cohen moved to adopt the Resolution.

Mr. Onorato seconded the motion.

Which motion prevailed.

Mr. Cohen:

This is a very exciting program and the gentleman that's standing here next to me is somebody who puts his money where his mouth is, and that is a person who has seen a number of problems in our cities starting with New York, but the foundation I believe is in 53 cities. Today, Pittsburgh will be the 54th, and he started a wildfire really that is really spread across the country.

Many of you may recall that this gentleman was on 60 Minutes several years ago, and he was talking to his class at PS121 in East Harlem, and telling them about how important it is for them to apply themselves for the future, and I don't want to speak for you, but what you said yesterday was, he got caught up a little bit in his rhetoric and said, if any of you are able to get into college that I, Eugene Lang will pay for your college education. And that was a class I believe of 61 children.

Mr. Lang fulfilled that commitment. He told us at a lunch yesterday, President Jack

Wagner was there at the lunch. He told about a number of those children who have become success stories because of that commitment.

And, that commitment as I said has spread so that it has now become a foundation. "The I Have a Dream Foundation" and here in Pittsburgh, Mr. Lang's promise was combined with the Carnegie Mellon University School of Industrial Management that said we have to have that here in the City, and with the Fort Pitt Elementary School to connect with a school, and a City with an absolutely terrific Principal Dr. Gail Griffin, which is becoming the "I Have a Dream Foundation" initiative in Pittsburgh.

We all here in City government are working so hard to try to confront the problems that face our City, and whether that means unemployment or rising crime rate, we're doing everything that we can. But at the same time we have a group like this that is looking towards the future and taking such an important step towards the future to be able to inspire our young children and motivate them for a better future.

So when Mr. Lang was here yesterday he was about to go on I believe the Ann Devlin Show on WTAE Radio, and he couldn't make it because he was talking to the President of the United States about this foundation.

We are very very lucky, fortunate and proud to have him in the City of Pittsburgh. So, what I'd first like to do is present this proclamation to Mr. Lang and then tell you about the other people who are here with us today. But, I want to give this on behalf of the City Council of the City of Pittsburgh to Eugene Lang for all that you've done for us. Congratulations.

Mr. Lang:

I want to thank City Council for this wonderful recognition. Especially, for the

Recording Secretary Eva Pearson.

Mr. Darkins moved to adopt the Resolution.

Mr. O'Connor seconded the motion.

Which motion prevailed.

Mr. Darkins:

Today, it is a great pleasure because of many reasons. To my colleagues on Council, I'd like to bring you a little update. The Educational Building to the Greater Faith Tabernacle Church at 550 North Homewood Avenue is where the Guardians originally started their organization.

And, then it's also a privilege and a pleasure that the signature of our President of City Council Jack Wagner is affixed to this Resolution, and also, Linda M. Johnson-Wasler's signature is affixed, and of course the presenter is Councilman Duane Adrian Darkins.

Ms. Coleman:

Councilman Jack Wagner, Councilman Darkins, and all members of Council, again we would like to thank you for honoring the Guardians of Greater Pittsburgh in our endeavor to continue to be the eyes and ears of the police force and also the community.

We appreciate the fact that you've recognized the Guardians as an accountable group of people, and we hope that we can continue to enlist your support in our endeavors, thank you.

Mr. Cohen:

This is a Resolution that is introduced by myself and Councilman Ferlo and would the good folks from the "I Have a Dream Foundation" please come up. Plus the young

people from the Fort Pitt Elementary School.

It is a pleasure, an honor, a privilege for me to be able to present this proclamation for the "I Have a Dream Foundation" and to welcome a truly remarkable individual Eugene Lang to the City of Pittsburgh. I'd like to read this proclamation and then say a few words about this fantastic initiative.

Mr. Cohen and Mr. Ferlo presents

No. 3337 WHEREAS, Eugene Lang established the I Have a Dream Foundation in 1981 to support disadvantaged youth by keeping them in school, motivating them and inspiring them to achieve their dreams while delivering a message of hope to a class of graduating sixth-grade students and their parents at P.S. 121, his Alma mater, in East Harlem, New York; and

WHEREAS, the I Have a Dream Foundation of Pittsburgh was formed as a public/private partnership by Carnegie Mellon University's Graduate School of Industrial Administration, in conjunction with Indiana University of Pennsylvania and Fort Pitt Elementary School in Garfield, to insure that elementary school students from Bloomfield and Garfield have a genuine opportunity to realize their full potential as proud and productive members of our society; and

WHEREAS, the I Have a Dream Foundation of Pittsburgh has created a program to achieve these goals by providing four primary activities; tutoring, scholarship funding, mentoring and school program development; and

WHEREAS, the I have a Dream Foundation of Pittsburgh is celebrating its inception, featuring Eugene Lang as the keynote speaker, at the Fort Pitt Elementary School Gymnasium on Tuesday, October 26, 1993, at 3:30 p.m.

Speaker:

I just want to say thanks to all the coaches that put out their time for us, helped us, and all the parents that came to the games, and all of the kids that felt like joining. We all did a good job.

Mr. Onorato presents

No. 3335 WHEREAS, James C. Zahren is a 1954 graduate of North Catholic High School which is located in Troy Hill on the North Side; and

WHEREAS, in the past 35 years, Mr. Zahren has been a teacher, counselor, vice-principal, and is now principal at North Catholic high School; and

WHEREAS, Mr. Zahren is a member of the National Association of Secondary School Principals, he has received and Distinguished Educator Award from the Academy of Fellows, and is a retired officer of the U.S. Army Reserve (Adjutant General Corps); and

WHEREAS, the Catholic Diocese of Pittsburgh will honor James Zahren for 35 years of dedicated service to Catholic education at North Catholic.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh recognizes and commends James C. Zahren for his years of service to the youth of the City of Pittsburgh and for his commitment to quality education for his students.

Mr. Onorato moved to adopt the Resolution.

Mr. Ricciardi seconded the motion.

Which motion prevailed.

Mr. Darkins:

Mr. President, to my colleagues on Council, it appears today that when men seem to fail women will pick up the slack.

Mr. Darkins presents

No. 3335 WHEREAS, on Saturday, October 30, 1993, Elliot McLean, Assistant U.S. Attorney, will deliver the Keynote Address at the Guardians of Greater Pittsburgh's Ninth Annual Awards Banquet; and

WHEREAS, since 1968, the Guardians of Greater Pittsburgh have remained constant in their purpose to unify, strengthen and promote the welfare of Black Law Enforcement Officers and further promote positive community relations with youth and adults throughout the City of Pittsburgh; and

WHEREAS, the Guardians of Greater Pittsburgh are a united group of law enforcement officers committed to preserve the honor and dignity befitting a City of Pittsburgh law enforcer.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh is mindful that the Guardians of Greater Pittsburgh is a body dedicated to respond to the safety needs of all residents and further provide African American officers with support and knowledge to be effective and responsible in their duties; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh recognizes founding members, past presidents and officers for their efforts and dedication to the success of the Guardians and further extends success to 1993-1994 officers, President Ophelia Coleman, Vice-President Eunice Nelson, Financial Secretary Mercedes Taylor, Treasurer Earl Johnson, Information Officer Ronna Stewart and

Which motion prevailed.

Mr. Onorato:

I want to also stress that this is just not football. There is also a cheerleading squad that was developed. You can see the young ladies behind us. So, this is a total athletic organization, and at this time I'd would like to ask my colleagues to say a few words. And, when they're finished, maybe a few adults and one or two of the children if they like. At this time, Christopher Smith.

Mr. Smith:

I just really want to say that this is our future standing in front of us. I want to thank all of the parents who are giving of their time. This is what needs to be done. We need to go back into the community and to work with our young folks.

I attended their fund raiser the other week. This is how they raise their money. They are self supportive, a volunteer organization. I was really happy, in fact, I won a few dollars there, and through a mistake I don't have my T-shirt today, but I just really want to say, keep up the good work.

I have watched you play. You're great. We're going to get you into a state league so that we can go state wide and prove that the North Side is the best side.

Mr. Onorato:

Before, I introduce our next colleague. I was told that we will be receiving a complimentary hat. All Council members.

Mr. Darkins:

This has been an exciting morning. We just came in from Squirrel Hill. I was with

Councilman O'Connor and Councilman Dan Cohen. They had the ground breaking this morning for the Yeshiva Institute, and to see all of the children, I mean several hundreds that were there, and then to come here to City Council and see the fine work that Councilman Dan Onorato and Councilman Christopher Smith is doing on the North Side.

I have to say that Christopher Smith has made a statement. He talked about the great North Side. Well there's a lot of sides to this City, but I want to commend these young people. Keep on doing what you're doing, strive and move forward, because it's all a race and at the end there is a great prize for all of you. Thank you.

Mr. Onorato:

Coach, why don't you come up here. Before the Coach gets up here, for all the young people here I just want to let you know that I told you the other night down at the field that this program will continue, and we'll do whatever it takes to make sure that you remain in the league and stay competitive.

You have the adults supporting you and you also have your elected officials supporting you to so keep up the good work.

Mr. Frazier:

On behalf of our children and our organization, I'd like to thank the City for accepting us as a spark of hope for the City, and our community with all the social unrest I hope that we the North Side Saints can be a guiding light to show people that the City is a good City, and that our children are learning the right things. That the North Side is not the only part of the City, but all our children are looking for the same thing. Good leaders and a good future. Thank you.

Not only is this program new, about three years old, but three out of the four teams, the midget, the middle age, the older age, competing in the suburban league, two out of the three teams won the championship this year. It's very competitive and I'm very proud of these individuals.

These individuals cross both my Council District line and Councilman Smith's line. So, I'd like to read the proclamation as we honor these individuals today.

Mr. Onorato, Mr. Smith and Mr. Darkins presents

No. 3334 WHEREAS, the North Side Saints athletic program was started in 1990 by the St. Leo Athletic Association due to the closing of St. Leo Grade school to develop the youth of the area through sports by teaching them the values of teamwork, fair play and friendly competition; and

WHEREAS, the North Side Saints football program consists of three separate teams, each representing a separate weight and age classification. The Midget team is ages 7-9 and up to 92 pounds, the Junior Varsity is 10-11 year olds and up to 112 pounds and the Varsity is ages 12-13 and up to 132 pounds; and

WHEREAS, the Saints are made up of kids from many North Side neighborhoods including, East Ohio Street area, Federal Street, Perry Hilltop, Manchester, Spring Hill, Troy Hill, Northview Heights, Brighton Heights, Woods Run, and the Marshall/Shadeland area; and

WHEREAS, this organization is much like many other athletic programs in the area, however the youth on these teams, especially the J.V., have had to overcome outside racial problems and initial negative comments and feelings that it would never work, and that you

could never get different North Side neighborhood kids to work together as a team; and

WHEREAS, the contrary is true, the children were very enthusiastic about playing football and were not affected by their outside differences of race, color, creed, religion and social and economic status; and

WHEREAS, the J.V. team, Robert Abbott, Jason Best, Jamar Boxley, David Battle, Loren Calhoun, Julian Cordice, James Cross, Ben Demblowski, Damian Davenport, George Daniel, Louis Ford, Jeffrey Glaser, Raymond Goupil, Jeremy Hamm, Ian Heisel, Matthew Hails, Donte Hodge, William Jackson, Steven Lee, Jeanie Leggate, Christopher Lippert, Travis Moriarty, Ryan Olszewski, Mark Pineda, Richard Parker, J.R. Parks, James Painter, Jerry Saunders, Joshua Tuite, Richard Tuite, Joshua Todd, Phillip Wilkerson, Michael Wellons, and Joey Weiss were led by Head Coach Woody Frazier and Assistance Coaches Taryl Matthew, Greg Olszewski, Brian Pineda, and Larry Richardson.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends and congratulates the North Side Saints athletic program directed by Bob Waters, Anthony Waters and Joe Cervone, for initiating an organization that teaches our youth sportsmanship and self respect; and

BE IT FURTHER RESOLVED, that the Council recognizes the players for overcoming different cultures and races and serving as an example to other communities in the City of what can be accomplished with a little effort.

Mr. Onorato moved to adopt the Resolution.

Mr. Cohen seconded the motion.

Regional Distribution Center for the eastern United States; and

WHEREAS, this plant opening means new employment for local operations and indicates the growing importance of Pittsburgh in the future of the country's biggest gourmet coffee company; and

WHEREAS, Gourmet Coffees of America intends to utilize local agencies for broadcast and print advertising.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh welcomes Gourmet Coffees of America to their new location on the North Side.

Mr. Onorato moved to adopt the Resolution.

Mr. Smith seconded the motion.

Which motion prevailed.

Mr. Kazaz:

I would just like to say a few words to the young people that have joined us today. I originally grew up in this area. I'm from Alliquippa and our company has decided to make a commitment to the City of Pittsburgh and to invest over a million dollars in bringing new jobs to the area, and to be part of the community on a long term basis.

I want everyone of you to know that there's a lot of challenges and a lot of great opportunity in this wonderful City. You have the best people here in the country here helping make things better for us, and today once again Pittsburgh made the top ten list as the Most Livable City in the United States. We were number five so you all have a lot of great things to look forward to. Good Luck to everyone in the back room. Thank you.

Mr. Onorato:

Mr. President this might take a little bit of time. I call my colleague Chris Smith and if Councilman Duane Darkins can hear us he can come in at any time.

At this time I'd like to have all of the individuals that have an interest with the North Side Saints to come forward. Take your time, we'll wait for you to come up here.

And, I just want to tell my colleagues that the rumor that all of North Side kids are in the Chambers today, that's just not true. This is only a small part of the North Side.

This is a very unique group. A few years ago St. Leo's Catholic Grade School closed, which is a pretty hot topic in the City of Pittsburgh right now with the closing of all the churches. With the churches we have a history of athletic programs. So, when this church closed we lost a very important athletic organization in this part of the North Side.

I would like to say that Bob Waters and a lot of other adults came forward and volunteered their time every night of the week and on their weekends to keep an athletic program going.

And, not only did they expand what was there from the church after it closed, they went into other neighborhoods and pulled kids in to develop an athletic program to provide alternatives for the youth.

I hear over and over again that we don't do enough for the youth and people aren't out there. Well, I'm telling you things are happening everyday in this City for the youth, and its time we recognize them, and that's why they're here today.

MUNICIPAL RECORD

Proceedings of the Council of the City of Pittsburgh

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Tuesday, October 26, 1993

No. 41

Municipal Record

ONE-HUNDRED TWENTY-SEVENTH COUNCIL

JACK WAGNER President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON-WASLER Asst. City Clerk

Pittsburgh, PA
Tuesday, October 26, 1993

PRESENT:

MR. COHEN	MR. ONORATO
MR. DARKINS	MR. RICCIARDI
MR. FERLO	MR. SMITH
MR. O'CONNOR	MR. WAGNER
	(Pres't)

ABSENT: MICHELLE MADOFF

The Meeting was opened by the recitation of the Pledge of Allegiance to the Flag of the United States of America, and a moment of silent prayer for peace throughout the world.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Onorato:

At this time I'd like to call up Tom Kazaz from Gourmet Coffee.

Colleagues, guests today I'd like to read this proclamation about another company that moved into the City. This particular company is in my district and I think it's always important that we recognize individuals that invest in the City, because there's a lot of good things happening in the City and there's a lot of business development.

A lot of time you might here that there's an anti-business climate in the City, but it's the small businesses that have been developing the City that are going to bring the City back and provide employment. So, today I'd like to present this proclamation.

Mr. Onorato presents

No. 3333 WHEREAS, Gourmet Coffees of America has expanded the Pittsburgh operations to include a new plant and the production of national gourmet coffee brands; and

WHEREAS, the new plant opened at 2900 New Beaver Avenue on September 23, 1993 and introduced Pittsburgh's new description as Gourmet Coffees of America's

Michelle Madoff:

It's the same thing.

Mr. Ricciardi:

His motion was, and we need to restate it then for the record, was basically requesting that they review it and give it all due consideration, but we're not commenting on the application itself.

Michelle Madoff:

We never do. I haven't seen it.

I think we're all in agreement. There's no misunderstanding. But I would take it a step further, and that is that if Yellow Cab persists in these indignities, and that's what it is, an indignity, this City has some ability to regulate some of the places they can have their cars, waiting stations.

And I want to put Yellow Cab on notice, and I know the people who run it, I know the owner very well, and they're contributors of mine, but this is unjust, unfair, and it's something that I won't tolerate as long as I still have a vote. And if they persist in this action, then I think the City has to take a very strong look and this Council saying, okay, they don't want it but every time they reject somebody, there's got to be a penalty or something, if they don't go into the communities. We have to put them on notice that this is the end. It's got to stop.

The Chair:

All in favor? Opposed?

WHICH MOTION PREVAILED.

And on the motion of **Mr. Cohen**

Council adjourned.

after I was seated in it and they realized that my destination was a minority community. My household. This is a problem that exists.

What I see we need to do, this gentleman is asking for a two-vehicle license. He will not place the majority cab-owner out of business. But what we will do is legitimize, have insurance requirements that he will have to meet so that the service that is there that is presently illegal under our structure, will become legal and meet all of the mandates to protect the people that it services.

There have been some very slick legal maneuvers that have been done so that you cannot sue Yellow Cab itself because they have subcontracted each cab out. So you cannot hold anyone accountable for non-service. The PUC regulates the monopolies. We truly have a monopoly here. Two vehicles will not put Yellow Cab out of business but would surely send a message that we're in support of a competitive business if you're not going to operate fair, equally and just across the board. That we would add to the City of Pittsburgh's tax rolls another business that would be paying business taxes, individuals would be paying income taxes. And I think that it's very important that we always support the competitiveness and the ability to compete in a marketplace because it is the small businesses in this Country that employ 80 percent of Americans.

This is just an opportunity, a request, for the application to be reviewed and not denied based on the fact that a single corporation which has continually blocked any competition would be looked at as one person and that the City itself is saying that we would like to promote competitive business in the City of Pittsburgh.

I will be voting yes for Michelle's support. I understand Mr. Ricciardi's slight apprehension about not having full disclosure of the application request, and that's fine. I, as

Christopher Smith, have sent a letter to the PUC saying that I support competitiveness and that for a two-vehicle corporation, they are not going to drive Yellow Cab out of business.

Mr. Cohen:

I want to thank Michelle for bringing up this important issue.

I also have sent a letter to the PUC expressing my support for the United Jimney Drivers, and the reasons are very much like the reasons that Mr. Smith just expressed, and that is that they provide a very, very important service to many communities in the City of Pittsburgh. Everybody, no matter where they live, deserves the right to transportation, whether that be transportation to their grocery store in my district at the Shakespeare Giant Eagle, for example. I don't know if the Giant Eagle there would have many customers if it weren't for the jimney drivers that bring people there to get their daily food. So, they provide a very, very important service for that mode of transportation to grocery stores, but also to many, many other things.

So, for that reason, I sent a letter to the PUC expressing my support, but I think Michelle Madoff is really doing it an even better way, and that is to have the entire City Council support it and I'm going to support her resolution.

Mr. Ricciardi:

I did express some concern over Michelle Madoff, how she first raised it. I'm very pleased that she raised it.

Michelle, Christopher Smith, if you listen to some of his dialogue, I could support his words and his motions.

Mr. Smith seconded the motion.

WHICH MOTION PREVAILED.

Michelle Madoff:

In our boxes that just arrived as we came into session, so maybe not everybody has seen it, but I know that there has been discussion and I know that many of my colleagues have already sent support to the United Jitney Station of Pittsburgh.

I think it's outrageous because in the 15-1/2 years that I have been here, the only cab service we really have to date that I'm aware of is Yellow. I don't know if People's is still in existence; it may be, I'm not sure.

But the people who live in these isolated communities have no way of getting a cab. People won't take them there. The cabs won't go up into the Hill. They need transportation and I see no reason why a jitney service should not be available nor some kind of a transportation by small little buses, a shuttle service.

I would like to see a letter go from this Council because they are having a hearing on the 24th of November at 10:00 which is Wednesday morning, so we will not be able to go, and I think a letter needs to go from this Council supporting the opportunity for every citizen to have the same rights that everybody else has. I can call a cab in Mount Washington. You can call one in Brookline. You can call one in Squirrel Hill. You can call one where you live. You'll get a cab. But if you live in the Hill, you're not going to get a cab and I think that's outrageous.

We need to supply transportation and I am recommending and asking that a resolution be drafted that supports allowing this United Jitney Station of Pittsburgh to finally get a jitney service.

They provide a very necessary service that we as taxpayers are not going to be able to supply.

Mr. Ricciardi:

On that note, Mr. Wagner and Michelle, I wholeheartedly agree that jitney drivers do provide a service to people in the City of Pittsburgh, especially in certain neighborhoods or at certain times when Yellow Cab is either unavailable or unwilling.

However, I'm going to be perfectly frank with you because I've made a few calls on this. Before I could vote on this, I would like to review his application that he made to the PUC. Now, unless you want to change your motion to us supporting maybe the intent of this gentleman's request to have another cab service. But without looking at the application, I'm really at a loss as to exactly what he's asking.

Michelle Madoff:

Mr. Ricciardi, this is not the first time this gentleman has tried to get a license. And the only reason he doesn't get a license, the only objector is Yellow Cab. And it seems to me that that is not a fair position and we should not support that.

And as for the legitimacy of the application and the permit, the PUC won't grant it anyway if it's not official, if it's not legitimate, and if they don't have the right application.

What I'm just saying is that, you're right, it's the intent. And the only person applying to provide this service is the United Jitney Station and Mr. Curtis McCoy and I think absolutely we have to support him or we are just hypocrites.

Mr. Smith:

Quickly. This is a point that I have myself been physically removed from a Yellow Cab

Ayes:

Mr. Ferlo
Michelle Madoff

Mr. Smith

AYES 3

NOES 5

VOTING NO:

Mr. Cohen
Mr. O'Connor
Mr. Onorato

Mr. Ricciardi
Mr. Wagner
(Pres't)

And a majority of the votes of Council not being in the affirmative, the motion was defeated.

The Chair:

Is there a motion to have this individual come in front of Council after the information requested by Councilman Cohen is provided?

Mr. Ricciardi:

What information was requested by Mr. Cohen? I apologize.

Mr. Cohen:

My request was for information regarding the number of cases that are now before the City Court and what the backlog is of those cases.

One of the issues that's going to come up, of course, is whether or not a magistrate should be appointed now or after January. I would frankly like to know what the consequences would be to hold that appointment until after January.

The Chair:

And if anyone would like to solicit any additional information, please do so now.

There is a motion and a second.

Mr. Smith:

Please repeat the motion.

The Chair:

The motion is to request information from City Court pertaining to the number of cases presently in front of them and whether or not there is an overload and justification for consideration of a new appointment.

Is there any further discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen
Mr. Ferlo
Michelle Madoff
Mr. O'Connor

Mr. Onorato
Mr. Ricciardi
Mr. Smith
Mr. Wagner
(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the motion passed finally.

Mr. Ricciardi:

As we've done in the past, I believe at least for the last appointment, I'd like to ask our Chief Magistration, Sue Ruffner, if she would also be with us when Mr. Daniel Butler comes to this table. That's a motion.

the motion to table, Mr. Wagner.

The Chair:

There is if it's justifiable.

Mr. Ferlo:

I was just trying to clarify. It's not the individual; it's just the process, the appointment, and, again, it's the principle of allowing the next Administration the opportunity to make some appointments. Rather than vote it as a yes or a no which might reflect on the individual, and that's not the issue right now.

The Chair:

Mr. Cohen asked for the explanation.

Mr. Cohen:

Personally, what I'd like to hear is a observation as to what is happening down in City Court right now with the backlog of cases and to find out exactly what that situation is because, frankly, I don't know. And to see how great the need is for a City Magistrate at this time. And then get into the question of whether this individual is qualified or not. But I'm not in the position to be able to deep six this appointment before we have that information.

The Chair:

I tend to agree; however, there's a motion on the floor to table and I'm going to vote against it. It's Council's will to have this person come in front of Council, which procedurally is what we have done in the past. If it is the desire of Council to solicit additional information before we consider that, we can do that. But there is a motion on the floor to table.

Mr. Ferlo:

Just to clarify one last point, again I think it's a mistake for this Council to entertain and interview this gentleman, then make the vote be yes or no on whether or not we actually want this gentleman. I think that's a disservice to this individual who I'm sure is qualified. The Administration has consistently appointed good people to the Bench. In fact, one of them, Deborah Miskovich, I rallied to her defense on many occasions.

That is not the issue and that is why I'm offering the table motion, so that we relegate the appointment to the next Administration, allow them the prerogative and the privilege to redesign and change some of the issues that I know, regardless of who you're for Mayor-wise, a number of people have talked about Administrative changes. And I would just ask that this Council consider the table motion and not make the debate be on the individual.

The Chair:

Let me just state quite frankly that this Administration has every right to send a name over if they so choose. That's part of the process of government. They have done that and this Council, some people are saying that we should consider it and others are saying that we shouldn't.

There is a motion on the floor and we're going to vote on that motion right now.

Is there any further discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3191

A Resolution entitled, "Resolution providing for the execution of a concession agreement executed jointly with the County of Allegheny and the City of Pittsburgh for the operation of a concession stand located in the lobby of the City-County Building."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Ricciardi
Michelle Madoff	Mr. Smith
Mr. O'Connor	Mr. Wagner
Mr. Onorato	(Pres't)

AYES 7 NOES 1

(MR. FERLO VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

MOTIONS AND RESOLUTIONS

The Chair presents

No. 3305 Resolution appointing Daniel E. Butler, 5710 Bartlett Street, Pittsburgh, Pennsylvania 15217, as a City Magistrate for a term to expire January, 1996.

Which was read:

The Chair:

I would ask that that individual come in front of Council a week from tomorrow, certainly not tomorrow.

Mr. Ferlo:

I'd like to make a motion that this appointment be tabled until January by the next Administration.

Michelle Madoff seconded the motion.

Mr. Cohen:

Would you state the purpose of the motion, please?

Mr. Ferlo:

My motion is that we should allow the next Administration to make some appointments to the Bench. And, again, I don't know the gentleman, he might be wonderful. I'm not even raising that issue. And please, if the media is listening, I'm not talking about the individual. It's a matter of principle. The Administration coming into office in just a couple of months, this is an appointment that extends into the year 1996 --

Mr. Ricciardi:

Point of Order. There's no discussion on

Mr. Ferlo:

This involves a disposition agreement, the waiving of permit fees for Carnegie Mellon University, the University of Pittsburgh, Union Switch and Signal, on the Second Avenue former J & L site, the development of the Technology Center.

The only principal I differ with, we have, again, a ten year long investment of over \$30 million in public and other dollars committed to the Second Avenue site in hopes of trying to develop in terms of technology and the creation of employment and jobs. I don't disagree with that policy and I've voted consistently to support that, including earmarking the Strategy 21 dollars.

My concern now is that we're at the 11th hour. We finally begin to see some construction and activity at the site by both the universities as well as Union Switch and Signal. I assume this Council will be supportive eventually of some type of tax exempt financing. I know I certainly will be voting in the affirmative on that.

There is one policy issue here that has to do with the uniformity of taxes that we ask each and every business and property owner in this City to pay. And peculiar to this issue and this site, unlike anywhere else in the City to my knowledge, we're creating a separate tax class for the university community for the economic development kinds of functions that they will be performing, actually the business functions that they will be performing on the Second Avenue site. Every other property owner gets taxed, land and building, and in this particular disposition agreement we are creating only taxes on some theoretical value that we've attributed to the land down there. In fact, it's only going to be roughly projected at \$14,000 a year. A typical 5,000 square lot in my community of Highland Park, we'd be paying \$1,200 a year in property taxes.

Again, I think we need to be supportive. There needs to be a partnership. We need to earmark the dollars for the much hoped for economic development. But at the same time, when and if we actually turn the key and open the door, I think there needs to be a re-evaluation of what's fair and what those individuals should be paying by way of property taxes.

So, I respectfully disagree with the policy that's formulated in this resolution and I will be voting no on the bill.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Ricciardi
Michelle Madoff	Mr. Smith
Mr. O'Connor	Mr. Wagner
Mr. Onorato	(Pres't)

AYES 7

NOES 1

(MR. FERLO VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Smith presented

Bill No. 3294

Report of the Committee on General Services for October 13, 1993 transmitting one resolution to

Mr. Ferlo:

--, I was just stating why I'm voting no Director.

The Chair:

I think that we would be shortsighted if we were to vote against this bill. This is one of the very few economic development projects in the City of Pittsburgh, one of the few growth centers in Pittsburgh right now and I not only have no problem with it but very much support tax incentives to bring in economic development in the City of Pittsburgh and when you look at those three facilities being the Pitt Biotech Facility, the CMU Facility which has yet to be built but is under way and Union Switch & Signal after so many years and so many dollars to put into the Pittsburgh Technology Center, those are three great facilities that I think will provide a lot of jobs and economic development to the City of Pittsburgh. If it takes tax incentives like this to bring them here and to make this project work then it's absolutely worth it. We should be laying out the red carpet for these three facilities as far as I'm concerned.

Mr. Wagner:

I agree with everything that you have said and I would further state that a magnificent opportunity exists here to expand upon the Union Switch & Signals that have agreed to locate on the site. There is a significant portion of that site that still has no intended use that we can have the spinoff companies that Councilman Ferlo is referring to that are generated through the research technologies at the universities. Whether it's the health care at Pitt or it's the high tech at CMU. A magnificent potential exists to have more Union Switch & Signals and that is the reason why we must move forward and approve this legislation.

(END OF COMMENTS)

PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

Dir. Birru:

I think we will get it in different forms. I think the way we get it is that there will be a lot of spinoff effects from these developments.

Mr. Ferlo:

So the university community who has developed a whole new legal department within it just dealing with artificial intelligence, patents of materials, products and processes and our generating wealth and income, that's not a business related activity.

Dir. Birru:

It has not been so far.

Mr. Ferlo:

I'm saying I disagree with the policy it's wrong and it's unfair to the rest of the taxpayers. We've showed good faith by making a \$30 million investment and priming the site for development but we're also showing faith by the future arrangements with the parking lot and Union Switch and we have done everything we need to do but at some point it's also fair and reasonable to suggest that the nature of the activities there are those activities that will generate revenue for the university including making some professionals wealthy who personally are connected with patents and the development of products and processes and artificial intelligence and it's the nature of the facility; it's not a university classroom and I think it's fair and reasonable that they pay what every other taxpayer should be paying in terms of the nature of the activity.

Dir. Birru:

I don't know if we want to be very different from other cities. All universities and colleges do have the same privilege and I don't think --

Mr. Ferlo:

-- I think it's a violation of the Uniformity Clause in the Pennsylvania Constitution of Taxes.

Dir. Birru:

I guess in summary we are operating under agency policies at the URA and we have negotiated with --

(BEGINNING - MESSRS. COHEN, FERLO AND WAGNER'S COMMENTS ON BILL NO. 3005, WEDNESDAY, OCTOBER 13, 1993)

Mr. Ferlo:

Again, my objection to the bill is I don't understand and I don't like and agree with the way the payment in lieu of tax is being figured out. It should be based on land and building of property there now or in the future and as I understand this agreement that is not the case. Every other property owner in the city pays property taxes based on lands and buildings and for some reason this agreement just gives some theoretical value to the land but doesn't give any value to the building. I don't understand that, it doesn't make sense. These are business-related activities albeit under the guise of the university and Union Switch & Signal and they should pay taxes based on the same standards that everybody else pays.

Dir. Birru:

I guess the difference Councilman Ferlo is the university will not have to pay taxes.

Mr. Ferlo:

The university has to pay taxes when they're making -- we had a gentleman from the university indicating all the antifreeze products and everything that the university has generated. The activities there have nothing to do with providing education. The activities at the site by the university or even the hospitals who develop new drugs and pharmaceuticals, those are for profit and business related activities under the university framework.

Dir. Birru:

Maybe that requires a new policy. Based on our policy we negotiated that to our level based that the university should pay something on the development and they agreed for the last so many years that they would pay in taxes municipal services which we thought was -- we look at different formulas but what we agreed upon was that they would pay in lieu of municipal services which higher and so on and so on and which we thought would approximate the assessed value of the land.

Mr. Ferlo:

Over the next 20 years I'd like to at least get some of \$30 million back that we have invested in the site.

Bill No. 3239

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire properties in the City of Pittsburgh under the Residential Land Reserve Fund, said properties having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3240

A Resolution entitled, "Resolution approving execution of a Contract for Disposition by sale of Land by and between the Urban Redevelopment Authority of Pittsburgh and various Redevelopers for the sale of properties in the City of Pittsburgh (SIDEYARD)."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen
Mr. Ferlo
Michelle Madoff
Mr. O'Connor

Mr. Onorato
Mr. Ricciardi
Mr. Smith
Mr. Wagner
(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 3005

A Resolution entitled, "Resolution authorizing a Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh for the Pittsburgh Technology Center." (AS AMENDED IN COMMITTEE)

Which was read.

Mr. Ferlo:

On Bill 3005, I'd like my comments brought forward.

Mr. Cohen:

I'd like my remarks brought forward on Bill 3005 regarding the Pittsburgh Technology Center and the waiver of fees that are provided there.

The point I made last Wednesday that I'd like to repeat briefly today is that that's a terrific economic development project for the City and that we ought to be providing tax incentives for economic development projects. That's why I'm voting in favor of that bill.

The Chair:

I would also like my comments brought forward.

(REMARKS ON FOLLOWING PAGES)

Bill No. 3237

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and Center City Apartments Associates for the sale of Block 25S Part of Lot 112 and Lots 146 through 158 - Western Restoration Project in the 5th Ward of the City of Pittsburgh in (Residential Land Reserve Fund)."

Which was read.

Mr. Smith:

I just want to make a clarifying statement about the difference in the senior citizens projects. In fact, we're actually voting for one in Bill 3237. The difference is the guidelines from HUD governing whether it is a Housing Authority project, a 202 project, or a Section 8 project, and that some of the project needs to be addressed at the federal level in terms of what could be accessed and what is permissible under these different programs that presently exist, whether they're privately managed, non-profit managed, or public housing property. And I think that it would probably be very good for the general public at some point in the future to understand the difference in the projects, the funding mechanisms, and the rules and how they vary.

I'm going to make a comment on Bill 3237 in which I appreciate my colleague's support in producing a low-rise rehabilitated facility for senior citizens, and I appreciate the support. This is in District 6. It is an opportunity to provide a campus of four buildings with security and three acres of common ground for people to walk and enjoy Mother Nature. This is Phase 2, and I'd like to thank the URA, the City of Pittsburgh, and this Council for continually supporting providing safe, decent housing for the

senior citizens in the City of Pittsburgh.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Ferlo	Mr. Ricciardi
Michelle Madoff	Mr. Wagner
Mr. O'Connor	(Pres't)

AYES 7

NOES none

(MR. SMITH ABSTAINING)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3238

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire all of the City's right, title and interest, if any, in and to the publicly-owned property in the 18th Ward of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County, as Block 14-A Lot 333, under the Industrial Land Reserve Fund."

Which was read.

Also,

Also,

Bill No. 3234

A Resolution entitled, "Resolution providing for a Cooperation Agreement or Agreements with the Housing Authority of the City of Pittsburgh for the administration and implementation of the 'Community and Social Service Programs in Public Housing Communities' and the 'Rehabilitation and Modernization of Housing for Low and Moderate Income Persons' program at a cost not to exceed \$100,000.00, chargeable to and payable from the 1993 CDBG Program - Housing Authority, 'Rehabilitation and Modernization of Housing for Low and Moderate Income Persons' Project #4-65-01-0002-93-410-93-65, Index #612846."

Which was read.

Also,

Bill No. 3235

A Resolution entitled, "Resolution providing for a Cooperation Agreement or Agreements with the Housing Authority of the City of Pittsburgh for the administration and implementation of the 'Community and Social Service Programs in Public Housing Communities' and the 'Housing Authority of the City of Pittsburgh Grocery Store Shuttle' program at a cost not to exceed \$50,000.00, chargeable to and payable from the 1993 CDBG Program - Housing Authority, 'The Housing Authority of the City of Pittsburgh Grocery Store Shuttle' Project #4-65-01-0004-93-453-93-65, Index #612853."

Which was read.

Also,

Bill No. 3236

A Resolution entitled, "Resolution amending Resolution No. 228, effective March 19, 1993, as amended by Resolution No. 366, effective April 29, 1993 and by Resolution No. 1056, effective August 24, 1993 entitled 'Providing for the filing of a Community Development statement by the City of Pittsburgh with the U.S. Department of Housing and Urban Development for a grant in connection with the 1993 Community Development Block Grant Program' so as to remove a line item in the Department of City Planning and add a line item in the Department of Parks and Recreation."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Ferlo	Mr. Ricciardi
Michelle Madoff	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

during our budget session, realizing, of course, that these are federal dollars. But still, in our budget session to see how much it would cost to do that.

We all have been working very hard to provide security in all of our neighborhoods and our public housing communities are no less of neighborhood than any other neighborhood in the City of Pittsburgh. So I endorse that.

Mr. Ricciardi:

I appreciate the need for bricks and mortar/modernization because we have a responsibility to provide decent housing to as many people as we can. But in the group of bills that have been presented to us from the Housing Authority, I'm most impressed with the social service programs, for example the Literacy Bill. Under the initiatives of Councilman Jim Ferlo who in the past has taken money out of the bricks and mortar into the social service programs, this is the real hope that people in the housing communities have in making it here in the City of Pittsburgh and in this Country.

I've had an opportunity to review some of their past in terms of participants and some of the success some of the people have had in the program, and that's what I'm most impressed with because that's the real hope for people in housing, the social service programs.

Again, I'd like to compliment Councilman Jim Ferlo who, over the years, has made sure that money has been put into the Literacy Program.

Mr. Ferlo:

In response to Mr. Onorato, one of the issues that he has addressed, as well as Michelle, we could have about a four hour discussion. I don't think in many of the issues that have been

addressed, the issue is money. I think the issue is, what is the level of effectiveness of the administration and the management at the Housing Authority. And I would hope that Mr. Onorato and others will help initiate that debate and that kind of oversight that needs to happen by this Council come budget time.

If you remember several months ago, I asked that we begin that process early as far as what the allocation of the community development block grant will be, those federal dollars being directed to the Housing Authority. But I will also remind our colleagues that, unfortunately, the Housing Authority and some of the program initiatives that Mr. Onorato and others have talked about will also be handstrung by the 15 percent cap problem that we've debated and talked about in these Chambers over the last couple of months. And that's something that we're going to have to try to reconcile during the budget deliberations.

Michelle Madoff:

Mr. Ferlo just made a comment to me a few minutes ago which I think really encapsulates the real problem and that is that public housing is the housing of last resort. Therefore, you know, it's the old, "Bring me your poor, your handicapped, your rapist, your murderers, and we'll put you in the housing." It may sound very cold-hearted but it would seem to me that we need to do something like Bosnia, create a war zone and you get the troublemakers out of the housing, not just say, gee, they've got to live somewhere. Too bad. If you are victimizing people, if you are destroying property, if you're making it unsafe for people and children to walk around, get them out of the projects. It is not money; it is a matter of if HUD doesn't cooperate, then what you do is get some real set up in the Housing Authority that would eliminate the troublemakers. That's the way it's got to be or there is no hope otherwise.

citizen high rises that are run by non-profit groups, religious groups, and it's like night and day the difference with security and how these buildings are run. They're all federal dollars, they're all HUD dollars, but the only difference is the management of these facilities.

I think the time has come that we start addressing security. And I don't just mean hiring Housing Authority police. I'm talking about the structures themselves. We should be able to go into these buildings and the residents should have the right to have a key or an electronic card, to have a camera watch that door, and go to bed at night knowing that individuals can't get into the building and there's a tight security force. We don't see that but I think the time has come.

I'll vote yes today, it's the last time. But I would hope during the budget season this year that we talk about security in these communities.

Michelle Madoff:

If I may piggyback onto what my colleague, Mr. Onorato, says, and give a little insight into what really is happening, he's absolutely right. And if you go into the privately-owned, usually charitable organizations working with tax dollars, it is day and night. But there's a slight difference that you really need to think about. And that is that until the time that HUD came up with their asinine ruling, originally people who went into the Section 8 housing and those developments, that monies were paid by HUD directly to the City to our Housing Authority. I believe it was an ACLU project, one of the things I disagree with, the money was given to the people who live there to manage themselves.

And so the good people are the victims of the few, and there's only a few. Like everything else, a few bad apples ruin the bushel. And those few people that urinate in the elevators, maggots

in the elevators and on the steps, where you get garbage all over and have absolute disregard for their community, are the ones who spoil it for the ones who want to live with dignity.

I have talked to Mr. Washington from the Housing Authority, and until we go back to some sanity where the monies go directly to pay for the housing so it can be maintained, and those troublemakers are removed from the facility, you will never have what happens in the privately-managed charitable organizations because they don't let people in who don't pay their fair share or whatever their allocation is. And, if you're not a good tennant, you're out. You don't ruin it for everybody else.

That's what you really need to focus on. You're absolutely right. It isn't not allowing money to rehab it; it's the concept of making sure that those who live there are -- really, their lifestyle is completely changed by the few who ruin it. And if this Council is an enlightened body, before the end of the year I will support you and after the end of the year I am sure there are enough votes here to mandate that something be done. They're leaning this way, they just need to be pushed. We need to insist that we will not run these projects without having tennant ownership, for example. They should all be turned over to people who really care about their properties and give them pride of ownership so the buildings will not be as most highrises are.

I'd like to see a general consensus of the federal government to stop buiding highrises and to build small houses. That's the only hope we have.

Mr. Cohen:

I just wanted to also endorse Councilman Onorato's points about providing security in our public housing community. I absolutely agree with him and believe that we should look closely

Mr. Ferlo presented

Bill No. 3293

Report of the Committee on Planning, Housing and Development for October 13, 1993 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3232

A Resolution entitled, "Resolution providing for a Cooperation Agreement or Agreements with the Housing Authority of the City of Pittsburgh for the administration and implementation of the 'Community and Social Service Programs in Public Housing Communities' and the 'Housing Authority of the City of Pittsburgh Literacy' program at a cost not to exceed \$50,000.00, chargeable to and payable from the 1993 CDBG Program - Housing Authority, 'The Housing Authority of the City of Pittsburgh Literacy' Project #4-65-01-0014-93-511-93-65, Index #612861."

Which was read.

Also,

Bill No. 3233

A Resolution entitled, "Resolution providing for a Cooperation Agreement or Agreements with the Housing Authority of the City of Pittsburgh for the administration and implementation of the 'Rehabilitation and Modernization of Housing for Low and Moderate Income Persons' program at a cost not to exceed \$1,004,000.00, chargeable to and payable from the 1993 CDBG Program - Housing Authority, 'Rehabilitation and Modernization of Housing for Low and Moderate Income Persons' Project #4-65-01-

0001-93-380-93-65, Index #612838."

Which was read.

Mr. Onorato:

On Bill No. 3233, discussing the money being spent for rehabilitation and modernization of the housing for low and moderate income in the public housing community. First, I want to thank Director Washington because he did respond promptly after last Wednesday's session with the letter detailing the projects.

But with all the recent news about some of the crime problems in some of these public housing communities, along with communities outside of there, I think it's very important and I'm going to vote yes on this but this is the last time I'm voting yes on any money spent for rehabilitation and modernization unless I see with any future package for rehab or modernization security lines and what exactly we're going to do for security. There's a quiet majority in these neighborhoods that are losing the battle and have to live in conditions that are unbelievable.

I personally believe that if we spend millions and millions every year to rehab these facilities, we have to start thinking about on-site managers, on-site security, individuals at particular buildings depending on the size. We have to have locks on the doors, cameras, and start running these the way a good landlord should run a building. This is ridiculous what we're doing in the City. I'm very disappointed.

Just for an example, everyone will remember a few months ago the problems we had at the Presley High Rise down on Presley Street in my district. There was a major problem with security with cameras being out. I thank the Housing Authority for correcting that problem, but I go around my district and I see other senior

Michelle Madoff:

This is a good example of why I asked the question that we have totals on the claims under \$750 and over. As this letter says, there have been two claims and they have not been resolved as yet.

Then they go on to say the responsibility will be to the contractor to pay the claims. But, as usual, we will pay the claims and then we'll have to go over the contractor to make good.

I would like to know, and there should be somebody looking at it from our Budget Office reviewing these claims and giving some analysis of what the claims are. Are they because of negligence? Is it because we go out without knowing what we're doing? Is it because we get stuck? Is it because we give bad services because we don't look after problems in the City that come back to haunt us? How do you function in a vacuum? I've been asking for this since I've been here, now on my way out. I hope somebody will pick up the gauntlet and take a look at the claims because they're in the hundreds of thousands of dollars over a few years and see what you can avoid and what you can save the taxpayers.

Also,

Bill No. 3230

A Resolution entitled, "Resolution authorizing the Mayor, Director of Public Works and the Director of Finance to enter into an agreement with Duquesne University regarding the street vacations of Shingiss Street, McAnulty Drive and a portion of Locust Street in the 1st Ward, 6th Voting District of the City of Pittsburgh." (AS AMENDED IN COMMITTEE)

Which was read.

Also,

Bill No. 3231

A Resolution entitled, "Resolution vacating: (1) Shingiss Street from Forbes Avenue to Locust Street, a distance of 321.03 feet; (2) McAnulty Drive from Forbes Avenue to Locust Street, a distance of approximately 700 feet; and (3) Locust Street from Shingiss Street to McAnulty Drive, a distance of 393.00 feet in the 1st Ward, 6th Voting District of the City of Pittsburgh and providing for an agreement or agreements with Duquesne University, setting forth the terms and conditions of said street vacations and providing for certain payments to the City."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Ricciardi
Michelle Madoff	Mr. Smith
Mr. O'Connor	Mr. Wagner
Mr. Onorato	(Pres't)

AYES 7

NOES 1

(MR. FERLO VOTING NO)

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Ferlo:

This is a financial matter. It's actually decreasing the overall amount of money spent on road resurfacing. Part of that allocation did expend dollars for the crack sealant.

I did vote no originally on this bill and I'm going to vote no today out of principal. But we did ask for information regarding the number of claims for City residents, be it the North Side or in my own Council District and possibly elsewhere throughout the City of residents who have property damages as a result of problems associated with the crack sealant process a few months ago. So, I would still like that information to be forthcoming to this Council.

Even as I speak, it mysteriously appears from the Law Department. I don't want to hold up on the bill but I do want to remind residents that they do have a right if there were damages to property or persons, the process is filing a claim with the City Law Department. I would encourage individuals to do that.

And, again, I just hope in the future we're more cautious on these general allocations of dollars when we better understand the specific methods. I still think there's an outstanding legal issue on who exactly is responsible, be it our own process of designing the specifications or possibly something went wrong at the company that formulates the cracked sealant substance. But, in any event, that needs to be pursued and we do have a request, an outstanding request for report to this Council from the Public Works Director on the matter.

Mr. Onorato:

I'd like to reiterate especially for the residents of my district that this bill is actually decreasing money from the crack sealant program and that they halted any crack sealant.

That was from the testimony last Wednesday because that was a concern and the damage that was caused last year.

I just want to let everyone know that that will not happen again this fall or this summer. What's there is being covered and, as we speak, crack sealant will not be used unless they can solve the problem.

Mr. Ricciardi:

I also will be voting yes for this bill because it will be decreasing the line item by I believe \$200,000. I initially had a problem with micro-surfacing several years ago and I raised questions.

I would like to point out that we did receive a memorandum from John Walluk, the Director of Public Works, and the last paragraph I'd like to read because it deals with my constituents of South Oakland.

"Councilman Ricciardi asked if there were any complaints on micro-surfacing done on Ward Street. There was one complaint filed with the Mayor's Service Center which has been resolved."

And from the information I received yesterday, that complaint has been resolved. So I just want to thank John Walluk and the Department of Public Works for looking into that. And I will be voting yes on the bill today.

Mr. O'Connor:

I'll be voting yes and I believe it has to be pointed out that we are taking \$200,000 from the micro-seal money. But that money will go into repaving four to five miles of more roads this fall. So we're putting the money into a much needed category in repaving more roads than normal.

(BEGINNING - MR. FERLO'S COMMENTS ON BILL NO. 3229, WEDNESDAY,
OCTOBER 13, 1993)

Mr. Ferlo:

My question is to the Law Department.

I didn't vote in the past on this bill in relation to the cracked resealing solvent that was used and I don't know what you refer to it as but I understand there are a couple of claims that may have been filed against the City in the past from the Northside residents in my district and possibly others. What is the status of that, do you know?

Ms. Casciato:

We can find out.

Mr. Ferlo:

Between now and the final vote can give us an estimate of how many claims and who has filed claims against the City in relation to the materials that have been used in the past.

Ms. Casciato:

Sure.

(END OF COMMENTS)

PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Ferlo	Mr. Ricciardi
Michelle Madoff	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Darkins presented

Bill No. 3292

Report of the Committee on Public Works for October 13, 1993 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3229

A Resolution entitled, "Resolution amending Resolution No. 246, effective March 25, 1993, entitled, 'Providing for a Contract or Contracts, or the use of existing Contracts, for crack sealing, micro surfacing, cold in place recycling, sawing and sealing, asphalt testing, flexible pavement, asphalt milling and truck rental and providing for the payment of the cost thereof,' by decreasing the total allocation by \$200,000.00."

Which was read.

Mr. Ferlo:

I'd like my comments brought forward on Bill 3229.

(REMARKS ON FOLLOWING PAGE)

connection with the Project; and providing for the deposit of funds in a bank account."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Ferlo	Mr. Ricciardi
Michelle Madoff	Mr. Smith
Mr. O'Connor	Mr. Wagner

(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3241

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Public Strategies, Inc., One Bigelow Square, Suite 616, Pittsburgh, PA 15219, in the amount of \$4,000.00 in payment for professional consulting services rendered to Councilwoman Michelle Madoff for the first quarter of 1993."
—(SPONSORED BY MICHELLE MADOFF)

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Ferlo	Mr. Ricciardi
Michelle Madoff	Mr. Smith
Mr. O'Connor	

AYES 7 NOES 1

(MR. WAGNER VOTING NO)

And there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Also,

Bill No. 3243

A Resolution entitled, "Resolution authorizing the transfer of Thirteen Thousand Dollars (\$13,000.00) from Code Account 1423, Index Code 142307, Equipment, to Code Account 1421, Index Code 142109, Services, Bureau of Emergency Medical Services, Department of Public Safety."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

Unfinished Business. If it has not been addressed before, I'll bring it up at the end of the meeting. Has anybody talked about the application for jitney licenses as yet?

The Chair:

That would not qualify under Unfinished Business.

Michelle Madoff:

Okay.

REPORTS OF COMMITTEES

Mr. Cohen presented

Bill No. 3291

Report of the Committee on Finance for October 13, 1993 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3225

A Resolution entitled, "Resolution providing for the issuance of a \$817.80 warrant in favor of American Rent A Ride in settlement of claim for automobile damage."

Which was read.

Also,

Bill No. 3226

A Resolution entitled, "Resolution providing for the issuance of a \$1,350.00 warrant in favor of Duquesne Light Company in settlement of claim

for property damage."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Ferlo	Mr. Ricciardi
Michelle Madoff	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8

NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 3227

A Resolution entitled, "Resolution providing for the filing of an application by the City of Pittsburgh with the United States of America, Equal Employment Opportunity Commission, for a grant or grants in connection with Deferral of Employment Discrimination Charges, EEOC-706 Project; providing for the execution of a Grant Contract and for the filing of requisitions and other data; approving the EEOC-706 Project; providing for required assurances; providing for execution of payment vouchers on Letter of Credit and for certification of authorized signatures; maintaining a Special Trust Fund in

What quarter?

Ms. Johnson-Wasler:

Third quarter of 1993.

Michelle Madoff:

Does everybody understand that impact?

And where is the running total that we added to what we've already spent this year? We're into October. How much has been spent to date?

The Chair:

Please request from the Law Department or Finance a listing, an update, of an accumulative total for the entire year and provide it to all Members of Council.

UNFINISHED BUSINESS

The Chair:

This is a bill that has been up in front of Council under Unfinished Business. It's the will of Council what to do with it.

The Chair presents

No. 3246 Communication from John Walluk, Director, Department of Public Works, submitting revised regulations for collection, storage and removal of solid waste and recyclables, and providing for the assessment of fees for removal of excess bulky waste and contaminated recyclable materials from residential dumpsters.

Which was read.

The Chair:

Is there a motion to receive and file?

Michelle Madoff:

So moved.

Mr. Onorato seconded the motion.

Mr. Ferlo:

Just on the received and filed, I would like the Finance staff to look at this bill. First of all, it has already taken effect, if I understand it correctly. I'm still unclear by the way the bill is worded exactly what fees are being increased, if any. So if we could please get a report from the Finance staff on that matter.

Secondly, I believe in voting for the ordinance that any fees or any fee increases would come before this body, and I'd like a clarification from the Finance staff for next week.

The Chair:

That's from our Finance staff?

Mr. Ferlo:

Yes.

The Chair:

Mr. Mascio, please provide that to all Members of Council.

All in favor? Opposed?

WHICH MOTION PREVAILED.

Michelle Madoff:

Mr. President, I'm not sure that it's

Contracts for various repairs and emergencies for the Department of Parks and Recreation at a cost not to exceed \$60,000.00, chargeable to and payable from Code Account 3-10-01-0010-93, Major Repairs and Emergencies, Department of Parks and Recreation.

Which was read and referred to the Committee on General Services.

Also,

No. 3288 Resolution providing for a lease or leases and/or a license agreement or license agreements for the use of certain City property by the School District of Pittsburgh, in connection with the Chadwick Head Start Center, at a cost of \$500.00 per month, payable upon execution of any such leases(s) or license agreement(s) and upon renewal or extension thereof.

Which was read and referred to the Committee on Parks and Recreation.

Mr. Onorato presented

No. 3289 Resolution authorizing the transfer of \$150,000.00 from Code Account 1457-9, Police Workers Compensation to Code Account 1457, Police Quartermaster, Department of Public Safety.

Which was read and referred to the Committee on Finance.

The Chair presented

No. 3290 Communication from Mary K. Conturo, City Solicitor, submitting the quarterly report of the settlement of small claims not exceeding \$750.00 for the Third Quarter of 1993, payable from Code Account No. 1081, Petty Claims. Also, a quarterly report of the settlement of claims in excess of \$750.00 for the Third

Quarter of 1993, payable from Code Account No. 46, Judgments.

Which was read, received and filed.

Michelle Madoff:

Wouldn't it be appropriate, instead of just having the public listening in, the purpose of my introducing legislation so that people would have access to information is not to read a bill and say we received and filed it. How about saying what the totals are? And then maybe somebody sitting at home will start to calculate or add up the amounts of money that don't even come to us but go right straight through to the Controller's Office, and have an idea of what we pay in claims. I think it's imperative that we start having the number read, the total of what this \$750 is for the quarter and the total for all the bills, the court orders over \$750. I would like to make that as a motion.

The Chair:

Would you provide all Members of Council a copy if we haven't received it already, which I believe we have.

Michelle Madoff:

We're supposed to have a running total provided by our Budget Office to show the thousands and thousands of dollars that just don't even come to us for a vote.

Ms. Johnson-Wasler:

Claims under \$750.00. Subtotal of \$11,224.63; also, another subtotal of \$23,234.73. Claims over \$750.00. Total of \$138,964.00.

Michelle Madoff:

\$138,000? And that was for what month?

This recognition is very nice but the big recognition for us is for those homeowners that come up and thank us and come out with their smiling faces, and I think all the volunteers could tell you that that's the reason they do it. Not only does it have an impact on neighborhoods and how our City looks, but it also helps our fellow residents and that's why we're here today. Thank you very much.

Michelle Madoff:

How about giving your phone number? Here's a chance to recruit some people. Don't miss an opportunity. There's good in everybody. Even Sophie did this.

Mr. Brady:

Certainly. For anyone that would like to have their home painted, normally we start to take applications in January of the year that we'll do it. So we'll be taking them in January of 1994 and you can call us at NeighborFair Pittsburgh, 391-1850. And if you'd like to volunteer, you can also call the same number and we'll get you all set up for next year. Thank you.

The Chair:

Thank you all.

Mr. Cohen presented

No. 3284 Resolution providing for an Agreement or Agreements for Stenographic Reporting Services in connection with public hearing(s), at a cost not to exceed \$2,000.00, chargeable to and payable from Code Account 1035, Miscellaneous Services, Commission on Human Relations.

Which was read and referred to the Committee on Finance.

Mr. Darkins presented

No. 3285 Resolution granting unto Cupka's II, 2314 East Carson Street, Pittsburgh, PA 15203, their successors and assigns, the privilege and license to construct, maintain and use their own cost and expense, one double-faced business identification sign in the right-of-way of East Carson Street in the 16th Ward, 3rd Council District of the City of Pittsburgh.

Which was read and referred to the Committee on Public Works.

Mr. Darkins moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Ricciardi seconded the motion.

Which motion prevailed.

Mr. O'Connor presented

No. 3286 Resolution transferring the aggregate amount of \$350,000.00 to various code accounts from Code Account SSFSP, Special Summer Food Service Program Trust Fund in the Department of Parks and Recreation. This transfer is necessary to return funds to the original code as stated in Resolution 657. There will be additional transfers to the remaining accounts later in the year. This partial transfer is needed to pay salaries and invoices at this time.

Which was read and referred to the Committee on Finance.

Also,

No. 3287 Resolution providing for a Contract or Contracts, or the use of existing

Contracting, Topper Painting and Remodeling, Estralita Brooks, and Sue Frey.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends the volunteers, NeighborFair Pittsburgh Inc. and all of the sponsors who contributed time and resources to make the eighth annual Paint Your Heart Out Pittsburgh event possible; and

BE IT FURTHER RESOLVED, that Tuesday, October 19, 1993 be declared "Paint Your Heart Out Pittsburgh Day 1993" in the City of Pittsburgh in recognition of the program's assistance to the elderly, disabled, and low-income residents of this City.

Mr. Cohen moved to adopt the resolution.

Mr. Ferlo seconded the motion.

Which motion prevailed.

The Chair:

Again, on behalf of all Members of Council that have sponsored this resolution, I can't say enough about Paint Your Heart Out. I know at one time or another, every one of us have been part of it. I was part of it the first year at a home in the Hill District, Councilman Smith's district, and we painted a home that day. And I know many people have been involved but I can't compliment all of you, the sponsors, NeighborFair, and the people that really make this program work. It has literally transformed homes in every single neighborhood in the City of Pittsburgh. I'm sure you have a lot of photos of the homes before and after.

And for no cost. And it's important that the people of Pittsburgh know this because this is televised. At no cost, the volunteers go out and paint an entire home in one day or several days.

Some homes require a little bit of preparation beforehand. But something that would cost a homeowner literally thousands of dollars is done for nothing due to volunteer services, volunteer materials, etc.

I'd like to ask Terrence Brady, the Program Coordinator who does a heck of a job, to please come up here and say a few words and identify the people, and anything else you want to say, Terry. Congratulations.

Mr. Brady:

Thank you very much. We'd really like to thank Council for this special recognition.

Paint Your Heart Out is a real important program to us that we do every year and it's grown and grown every year. Once we snag a volunteer, we never let them go. Most of the people that you see here today have been with us for almost all eight years and I'd like to take the time to introduce them.

This is Stephanie Cipriani from Integra Bank; Lori Whitecoff from Dollar Bank; Rich Bruce from BBI who has been with us from the beginning and does an outstanding job for us coordinating the western region; Kathy and Josette who are on our staff; and Estralita Brooks who is with Public Works who does a great job for us every year. Ralph Hazlet from Topper Painting; and Francis Smith from PNC Bank; Bob Eiler who also has been with us from the beginning and does a great job.

This year we did do a record 86 homes and that was a big feat for us. But we get about 200 applications per year. We go out and inspect.

Normally we run out of volunteers; this year we had a lot of extra volunteers and a lot of help from the community. So we really appreciate everyone's support for this program.

RESOLVED, that the Council of the City of Pittsburgh extends congratulations to Joseph Zunic on his ninety-first birthday, and applauds him for his long life of hard work and community service; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh proclaims October 20, 1993 as "Joseph J. Zunic Day" in the City of Pittsburgh.

Mr. Smith moved to adopt the resolution.

Mr. Darkins seconded the motion.

Which motion prevailed.

Ms. Zunic:

I'm Joseph J. Zunic's granddaughter, Kaitlyn, and on behalf of him and the entire family we'd like to thank the Council for this great honor. Unfortunately, he cannot be here today due to health problems and getting around walking-wise. But we'd like to thank you.

The Chair:

The next resolution I believe is the last but certainly not the least, and I would like to ask our honored guests to please step forward. People representing Paint Your Heart Out Pittsburgh, please come forward.

We have with us today Terrance Brady, the Program Coordinator; Josette Fitzgibbons from NeighborFair; Kathy Curly from NeighborFair; from Dollar Bank, Howard Slaughter; from the Italian Oven, Jerry Ruda; from Mellon Bank, Elmira Bailey; PNC Bank, Francis Smith; Peoples Natural Gas, Sandra Pryor; Finger Painting Company, Ken Finger; TD Patrinos Painting and Contracting, Dale Arnold and Rick Shademan; Topper Painting, Ralph Hazlet.

Quite honestly, and I have to be frank, and all Members of Council know, we have never run this long in resolutions, so forgive us. We know everyone has a tight timeframe but we haven't had many resolutions in previous weeks and they just backed up today.

It's really an honor, though, for all Members of Council to present this resolution today because all of you collectively do something that's very special for the City of Pittsburgh. Something that works as well here, if not better here than anywhere in the Country.

All Members of Council present

No. 3304 WHEREAS, on September 11, 1993, NeighborFair Pittsburgh Inc. sponsored its eighth annual Paint Your Heart Out Pittsburgh event, a free paint program designed to assist elderly, disabled and low income City residents maintain their homes; and

WHEREAS, nearly 1,500 volunteers participated in this year's event, representing local corporations, banks, neighborhood groups, and other organizations within the Pittsburgh area and painting a record high 86 homes throughout the City; and

WHEREAS, NeighborFair Pittsburgh, a private, non-profit organization that promotes living and home-buying in the City of Pittsburgh, has been the leading sponsor of the Paint Your Heart Out Program, which has benefited over 630 homeowners over its eight-year history; and

WHEREAS, other sponsors of the event include Valspar Corporation, the PPG Foundation, Boston Chicken, Dollar Bank, Foodland, Integra Bank, the Italian Oven, K-BEAR FM, Mellon Bank, PNC Bank, Peoples Natural Gas, Triangle Messenger Service, Finger Painting Co., TD Patrinos Painting and

Education appointed Dr. Faison to the position of Deputy Superintendent; and

WHEREAS, Dr. Faison is known nationwide for her excellence as an educator and administrator and serves as a member of many boards, including the Tri-State Area Study Council, Research for Better Schools, The College Board, Childrens' Hospital of Pittsburgh, Negro Emergency Education Drive, Metropolitan YMCA, WQED TV and the Zoological Society; and

WHEREAS, Dr. Faison has served the Pittsburgh Public School District for forty-three years and has fulfilled her many positions with excellence, adroitness, mastery, humbleness and true dedication.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh, along with the colleagues and associates of Dr. Helen S. Faison, gives praise and thanks to her for her dedication, excellence, humbleness and unflappability while working in the Pittsburgh Public Schools.

Mr. Smith moved to adopt the resolution.

Mr. O'Connor seconded the motion.

Which motion prevailed.

Mr. Smith:

What can I say? We're about to honor Mr. Joseph Zunic who will be 91. And, at 91, he has still sent quite a little stir through the City system.

I want to tell you that your father still, at the sound of his name, he still causes quite a roar in City Council. So, what I would like to do right now is have Dan Onorato read the resolution into the record because I think that it's great that he is

still here, still active, and working hard. And it's just great to know that I'm a part of this moment.

Mr. Onorato:

We heard a few Councilmen say earlier on other proclamations about trailblazing and it gives me great honor to now represent what is considered Council District No. 1, an area that Joseph Zunic who has been active politically in his own right in the same district, if they were around at that point.

Mr. Smith and Members of Council present

No. 3303 WHEREAS, Joseph J. Zunic, born October 20, 1902 in Old Allegheny, is celebrating his 91st birthday this year; and

WHEREAS, Joseph Zunic is the proud father of three sons and one daughter, and is blessed with four grandchildren; and

WHEREAS, Joseph worked in the scouring room of the P. McGraw Wool Company, and was also employed by Louis Hahn & Son, the H.J. Heinz Company, Hardie Brothers Company, Allis Chalmer Company, and the City of Pittsburgh; and

WHEREAS, Joseph Zunic was elected Democratic County Committeeman for over thirty years in the former 23rd Ward, 9th District; and

WHEREAS, Joseph Zunic is a long time member of the Croation Fraternal Union and was recently honored as an outstanding member, and is also a member of the Pittsburgh Northshore AARP; and

WHEREAS, at the age of 91, Joseph remains active with his family and community.

NOW, THEREFORE, BE IT

Ms. Neiderberger:

This is very nice. There's always a lot of talk about wanting to help the small businessman and a lot of talk, especially in this current mayoral election about public and private partnerships. I think the Capital Loan Program is an excellent example of both of those elements coming together.

The Capital Loan Program was the brainchild of City of Pittsburgh representatives, especially Jeff Thomas who is here with us today, and Integra representatives, especially Carla Frost who is unable to be with us today. But those two got together and saw the need to help the small businessman in Pittsburgh. In this instance it's the vendors for the City of Pittsburgh.

So, Integra has helped the City by creating a program that provides short-term working capital money for people providing goods and services for the City.

We're glad to help and we look forward to creating more programs working with the City. Thank you.

Mr. Ricciardi:

I believe Integra Bank is a responsible financial institution here in the City of Pittsburgh and has shown their corporate responsibility not just in this program but the other program in lending to low and moderate income neighborhoods. They need to be really commended and I thank them for all their work.

You were able to work with Mr. Jeff Thomas, someone who I have a great deal of respect for on the Administration side. Thank you.

Michelle Madoff:

I'd like to thank you for taking my checks from Equibank. I don't have a new checkbook but that's alright, I'm still using the checks. As long as they don't bounce, it's okay.

The Chair:

Thank you all very much.

Mr. Smith presented

No. 3302 WHEREAS, Dr. Helen S. Faison retired from the Pittsburgh Public School District on August 31, 1993 and has amicably touched thousands of lives throughout her tenure as an educator; and

WHEREAS, Dr. Helen S. Faison began a masterful teaching career at Fifth Avenue High School, serving as Advisor to young women after demonstrating remarkable leadership characteristics; and

WHEREAS, Dr. Faison later served as Counselor at Westinghouse High School and established herself as an advisor, consultant, mentor and confidante. Her genuineness and devotion earned her the interim appointment of Acting Principal and the eventual appointment of Vice Principal. Dr. Helen S. Faison was the first African-American female principal of a senior high school in the City of Pittsburgh; and

WHEREAS, recognizing her readiness and management skills, the Board of Education appointed Dr. Faison Area Assistant Superintendent during the school district's decentralization, and during a later reorganization of the district, Dr. Faison adeptly assumed the position of Associate Superintendent of middle and secondary schools. Acknowledging her superior talent and exemplary administrative skills, the Board of

Zeichner come forward.

Ms. Zeichner:

I want to thank Dan and Jack for coming down. Also, Nancy Wells and all the staff of the Victims of Violent Crime for showing their support and allowing our inmates down there to raise funds for them. All the inmates had to pledge at least \$1 to enter and we got pledges from the inmates up to \$200. So I was very impressed. We raised over \$700 for the Victims of Violent Crime. It was the first annual run and next year it will be our second annual, etc., etc. I hope to see everyone down there, Councilpeople. And hopefully next year we'll raise a lot more money. We couldn't have done it without the Victims of Violent Crime.

The Chair:

If I may add, I want to personally compliment both of you, and you better look forward, Gwenn.

I wanted to add, Members of Council, that lady is a real dynamo. Talk about motivating people and getting people to do things. She does an exceptional job.

Mr. Smith:

Could everyone from Integra Bank, Kathy Neiderberger, come on up?

This is a resolution and it's because it's a wonderful new program that's assisting the City and small businesses sponsored by another business, we have a resolution.

Mr. Smith presents

No. 3301 WHEREAS, Integra Bank of the City of Pittsburgh has taken the lead and developed the Capital Loan Program to provide

immediate financing to small businesses that provide goods and services to the City; and

WHEREAS, Integra Bank supports small business enterprise as the backbone of our community; and

WHEREAS, Integra endorses small business growth to help our neighborhoods realize strength and vitality for the future; and

WHEREAS, Integra is committed to enhancing the City of Pittsburgh as a great place to live, work and conduct business; and

WHEREAS, Integra also believes that community investment is the most profitable investment a company can make.

NOW, THEREFORE, because Integra believes in the spirit of competition and the opportunity for small businesses to gain a greater competitive edge, be it resolved that the City Council of Pittsburgh commends this financial institution and will work with Integra to achieve its goals in supporting small businesses in the Pittsburgh community; and

BE IT FURTHER RESOLVED, that October 19, 1993 be named "Integra Day" in the City of Pittsburgh.

Mr. Smith moved to adopt the resolution.

Michelle Madoff seconded the motion.

Which motion prevailed.

Mr. Smith:

Ms. Neiderberger, could you step up and discuss the program?

you very much.

Mr. Onorato:

At this time I'd like to call us Gwenn Zeichner and Nora Collins.

Colleagues, as they're walking up here, I just want to give a brief history of what this proclamation is for, and then we'll have Gwenn talk about it.

Council President Jack Wagner and myself were at the Western Penitentiary on September 11, 1993 where there was the first annual run to raise money. The inmates participated in it. What's unique about this particular run is that all the proceeds are going to the Center for Victims of Violent Crime. So, it's basically a situation where we try to have the inmates give something back to society.

I'd like to read the proclamation and then, once again, Gwenn will give you more detail of it.

Mr. Onorato presents

No. 3300 WHEREAS, on September 11, 1993, the First Annual Run for Victims was held at Western Penitentiary, with all proceeds going to the Center for Victims of Violent Crime; and

WHEREAS, the Center for Victims of Violent Crime has provided services to 6,800 crime victims or witnesses, and their loved ones during the past year; and

WHEREAS, the Center for Victims of Violent Crime has provided services for over 18 years to the Allegheny County community; and

WHEREAS, the Center for Victims of Violent Crime provides such services as a 24-hour professionally staffed hotline, crisis intervention, emergency room and home visits,

police and court accompaniment, homicide therapy and support groups, victim compensation claims assistance, post-trial advocacy, and a senior victim assistance program; and

WHEREAS, approximately 35 volunteers and 125 inmates participated in the First Annual Run for Victims which raised money to benefit the Center for Victims of Violent Crime.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh recognizes Andy Domovich and Gwenn Zeichner of Western Penitentiary and Nancy Wells, Executive Director of the Center for Victims of Violent Crime, along with staff members Helen Evins, Peggy Gottschalk, Nancy Roberts, Tim Angerhofer, Rachel Young, and Linda Thimons for all their hard work and efforts toward making the First Annual Run for Victims a success.

Mr. Onorato moved to adopt the resolution.

Mr. O'Connor seconded the motion.

Which motion prevailed.

Mr. Onorato:

Right before I call Gwenn up, I'd just like to say that Jack Wagner and I sat there on a fairly cold morning and our responsibility was to help monitor and participate the runners and actually do the counting. We had a good day. It was very interesting and I would recommend next year any of my colleagues to go down there to participate to see what it's like on the inside of this building and talk with some of the individuals and to see what exactly they're doing and what they look forward to in the future.

At this point, I'd like to have Gwenn

video which I think is probably going to end up being a historic video about this gentleman and his significant contributions. I want to wish them well and I thought it was important to highlight this event.

At this time I'd like to have our two leaders here from the community from this organization and fraternity, Dr. Effort and Professor Curry, to say a few words. And then I'll turn it over to Councilman Smith.

Professor Curry:

Thank you, Councilman Ferlo. First, for the record, I'm here as President of Alpha Omicron Lambda, chapter of Alpha Phi Alpha Fraternity, not as President of the University of Pittsburgh.

Our fraternity was founded at Cornell University in 1906 by seven visionary young men who we refer to lovingly and respectfully as our Seven Jewels. Alpha Phi Alpha is the first Black Greek organization and we are very proud of the legacy that those young men left for us.

We claim among our brotherhood four former Councilmen of the City of Pittsburgh, and those are Paul Jones, Jim Jordan, George Shields and Jake Millions, who we lost recently. Also prominent among our brothers in the leadership of the City of Pittsburgh were Robert L. Vann, the founder of the Pittsburgh Courier, Homer S. Brown, Byrd Brown, Leon Haley and Harvey Adams. Nationally we claim among our brotherhood such distinguished men as Martin Luther King, Jr., and Thorogood Marshall.

We're looking forward to a fine celebration on Saturday and we invite all the Councilmen to join us.

Now I'm going to ask Brother Ed Effort to say a word about our principal guest, Brother

Don Jefferson.

Dr. Effort:

Indeed I am pleased and honored that Councilman Ferlo and Councilman Smith were able to, in a hurry, put this together.

As Clarence had alluded to before, at 98 years old, you're not always in the best of health and you don't move very quickly and you make decisions based on what your wife tells you to do. So, she told him to stay home and get well and we were invited to their home last night and we stayed not too late, about 9:30, and we filmed him. We did what we hope is a historic document of a man who has his mind at 98 years old and is clear enough in his memory to recall a lot of things about Pittsburgh and this region. We're talking about 1917, 1918, 1919, 1920, in the 30's, the 40's. He can span many generations that we all hope to be around to say the same thing when we're 98 and in good mind.

General Colin Powell thought enough of this man to send us a letter, a certificant of recognition. Because of computer FAX machines, you're able to do all this stuff in a hurry, and he was able to respond in kind. I showed Jim a copy of that and I'll make sure that you guys have copy for your records.

Again, I'm pleased and humbled by this occasion and we hope that Mr. Jefferson will be around a long time for us. Thank you.

Mr. Smith:

Very quickly because the hour is long, I just want to say that it is very important that we honor those who have blazed the trails that have permitted us to be where we are today.

I want to commend you for honoring and I want to thank him for blazing the trail. Thank

Mr. Ferlo and Mr. Smith present

No. 3299 WHEREAS, Donald C. Jefferson, who recently celebrated his 98th birthday, is a Veteran of World War I, and is well known as a business, political and civic leader, and will be honored at a celebration of Alpha Phi Alpha Fraternity to be held on Saturday, October 23, 1993 at the Frick Fine Arts Building in Oakland; and

WHEREAS, Mr. Jefferson was initiated into the Omicron Chapter of the Fraternity at the University of Pittsburgh in 1917 and is the only surviving Charter Member of the Graduate Chapter, Alpha Omicron Lambda, which was founded in our great City in 1929; and

WHEREAS, Mr. Jefferson was educated in the Pittsburgh Public School system, attending 5th Avenue High School where he became the first African American Member of the Pittsburgh All Star Scholastic Football, and as well was an excellent baseball player; and

WHEREAS, after earning money he entered the University of Pittsburgh Pharmacy School but was quickly drafted into the Army during World War I with several other African American from Pittsburgh. Mr. Jefferson proudly joined the 351st Field Artillery Unit which was organized by the War Department when African American soldiers protested their menial labor service in separate, unequal and segregated status; and

WHEREAS, the membership of the fighting 351st was composed entirely of Pittsburgh African American draftees and distinguished itself in combat in France and upon returning to Pittsburgh the 351st was given a mammoth parade in Pittsburgh headed by Mayor E.V. Babcock; and

WHEREAS, following his service to his

country, Mr. Jefferson not only received his pharmacy degree but also established his own pharmacy business and began a very active life in civic and political affairs including a leading member of the Allegheny County Colored Democratic Organization, Allegheny County Housing Authority and County Redevelopment Authority Boards, and served as officer in many business and professional men's organizations; and

WHEREAS, Donald C. Jefferson has been recognized by a feature story in the Pittsburgh Post-Gazette in July of 1988 and has been given recognition by the Pennsylvania Senate and House of Representatives by the Honorable K. Leroy Irvis and the Honorable Joseph Preston, and has also received a letter of commendation from General Colin L. Powell, Retired Chairman of the Joint Chiefs of Staff; and

WHEREAS, Mr. Jefferson is married and lives with his lovely wife, Ida.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby declares Saturday, October 23, 1993 as "Donald C. Jefferson Day" in the City of Pittsburgh in recognition of his heroism, commitment and lifetime achievements.

Mr. Ferlo moved to adopt the resolution.

Mr. Smith seconded the motion.

Which motion prevailed.

Mr. Ferlo:

Again, unfortunately, we are not privileged with Mr. Jefferson's attendance here today. He is under the weather. I believe he will attempt to make the fraternity banquet and celebration this Saturday. I know our two colleagues here today spent a lot of time doing a

will be is when there is a profit margin involved and that's so we have to create that investment for the tax structure in this Country that doesn't exist and I think this is the first step in that direction.

Mr. Cohen:

Mr. President and Mr. Ferlo, we've had a lot of discussion this morning so I won't be too long. But the reason that I voted for the resolution sponsored by Mr. Ferlo and Mr. O'Connor against NAFTA is that my reading of the bill is essentially that it's an invitation for American jobs to move to Mexico.

We in the City of Pittsburgh right now are in a very, very tenuous situation. Just two weeks ago, the City announced that for the first time since 1985 the City has lost jobs. Actually lost jobs in terms of real numbers, not adjusted for inflation years, etc., but we lost jobs. Last week USAir announced that it was going to lay off 2,500 jobs here in the City of Pittsburgh and in Charlotte, North Carolina. And, in my view, unless we get those jobs back and protect the jobs that we have, the future of this City is in serious danger.

The NAFTA agreement, as I read it, essentially is a gilt-edged invitation for jobs to move out of this country and to protect capital that is moving out of this country. And that's something that I can't support. Thank you.

Mr. Ferlo:

Just in closing, both Mr. Wagner as well as Mr. Onorato made the point that there still needs to be education and debate on this issue, at least on the part of some. And I do welcome Pittsburghers who may be listening to this proclamation and would like further information to contact the Fair Trade Campaign of South Western Pennsylvania. Their phone number is 681-6811.

Again, these Chambers have often been used for debate and community meetings. I'm sure all of my colleagues, Mr. President himself, would welcome the Coalition holding a community meeting, a town meeting of any kind, to facilitate the education and debate. And you're welcome to utilize these Chambers, I'm sure.

I was immediately against NAFTA as soon as I learned that Rush Limbaugh was for it. I didn't even have to read it.

But, again, there's a lot of need for debate and dialogue, but I appreciate the support of this Council for this resolution. And I would remind the Clerk's staff to forward the proclamation to our elected officials.

With that, I want to thank all the Coalition folks for coming down today.

By the way, I want to say hello to my brother, Andy, who is visiting here today. He's watching this and I promised to say hello to him.

The Chair:

Councilman Ferlo, just for your information, when I found out that Ross Perot was against it, it changed my opinion.

Mr. Ferlo:

I'd like Dr. Effort to come forward and his colleague, Clarence Curry, Professor from the University of Pittsburgh. Dr. Effort, a well-known leader in the community and a great dentist.

And I'd ask my colleague, Councilman Smith, to come forward to help me present this proclamation.

I spoke with some people with USX. The people at USX support this Fair Trade Agreement. The reason being is that they think that their exports will significantly increase in steel to Mexico. They have exports today that have been growing and, according to them, they'll continue to grow. And according to them also, there is no intent and no plan for USX to build a steel plant in Mexico as a result of this. Mexico represents four percent of America's gross national product. I don't think they represent the kind of competitive environment that other countries in the world represent.

I think there's a number of positive reasons. I agree with many of you, though, there are some negatives and there are some things that exist, differences between Mexico and America in terms of standard of living that it's impossible for Mexico to catch up overnight.

But, I believe this agreement overall is in the best interest of this country and Mexico and will create more jobs for both countries over the short range and the long range. And that is the reason why I support it. Thank you.

Mr. Onorato:

Mr. President, NAFTA is one of those agreements that's very difficult to understand and there's a lot of propaganda on both sides pushing the issue. And it's very easy to confuse the American people of is it good or is it bad. I have to admit, it took me a long time to weigh the pros and cons and will probably change over the next months and next years too.

One thing I'm definitely sure on, and the reasons I voted for the resolution, is that there's no doubt in my mind that the only reason we have a middle class in this country is because of the unions. If it was up to the corporations, they would have wages down to two cents an hour. Coming from a union family and receiving the

benefits of union wages to be able to be put through college, I know what the benefits are out there. I also know that the only reason Japan, Germany, Mexico and these other countries in the world sell these products here is because America has one of the largest purchasing power in the world. And the reason we have that purchasing power is because every one of you here can afford to buy a car right now. When that dries up and our purchasing power dries up, so is the competition going to dry up. And until the elected officials at the federal level realize this and start changing the tax laws and creating incentives for corporations that invest here and put the dollars back in here and hire union workers, nothing is going to happen in this Country. That's what we have to start doing.

Councilman Ferlo brought up a very good point. I'm a strong believer in free trade and capitalism. I think it's the best system on earth. But we have to make sure we have the fair playing field. And we don't have that across the world and we'll probably never have it. So, what we have to do is to make sure that we make it as even as possible. And if it's using our tax laws, using our investment strategies, that's what we should do. Our borders have never been closed. We have more foreign investment in the United States now than we ever had in our history. It's just that the world has been changing.

American workers are still the most productive workers in the world, even with the higher wage rate. That's why we make up for the wage rate; we can produce more at a smaller period of time.

So, I think it's critical that this sends a message to the national leaders, even if this body can't do it, but the national leaders that it's critical that we maintain that base and that we start changing the incentives and let the people with the money start investing it because it's to their best interest to invest here. And the only way it

industry will be able to go to Mexico and they'll be able to go up here into Canada. The computers will come from Canada and we'll do some trade here. And he said, and this is the key point that turned me against it 100 percent and I don't even have to look any further because I'm not an economist and I'm not an expert at it, he said the manufacturing jobs here right in the middle of our country said we will supply money to retrain those people. We've been hearing that BS for 20 years. Right away he admitted that these people, and when I say these people I mean the middle class, working class of this country, were going to be out of work. And he was going to find money to supplement their training.

Well, show me a steelworker, a carpenter or an electrician who wants to run a computer. I don't think there are any. They want to build. We have people who want to build cars, want to build steel, want to build buildings. There's pride in this Country. There's a big problem with the school to work issue coming up and if we don't address it and do something about it—

I'll end with one last statement. I had lunch with Aaron Levinson who owns Levinson Steel when I was running for office, and I basically talked about why we lost all these industries. His quote was, "We just forgot about the working class in the 70's." The higher ups in Washington somewhere thought there wasn't going to be a working class. Since civilization has come around, somebody has to build the cars, build the homes, do the work. And somehow this Country has forgotten about it and that's why I support all of you in your efforts. Thank you.

The Chair:

I'm going to make a brief comment, with all due respect to my colleagues and the people that are here. I voted against the resolution and it really is the kind of resolution I feel would be a good issue for a debate here at a post agenda

meeting or some other kind of public forum.

When I first looked at NAFTA, and I view it somewhat differently than the majority of people here today, I felt like I felt ten years ago in this City when we began to lose steel manufacturing jobs. But the more I looked at it and the more I read about it, the more I realized that it really wasn't the same.

The way I see it, I believe that NAFTA, as a free trade agreement with Mexico and to some degree similar with Canada, is in the best interest of the United States and Mexico and eventually will create more jobs for both countries.

As everyone does know, our President, President Clinton, supports it. Four past Presidents support it. And I truly believe that those Presidents, all five of them, or at least the majority of them, feel and believe in their hearts what is in the best interest of this Country and is the reason why they're supporting it.

What is happening throughout the world today is something that is proposed to some degree in NAFTA to create an environment within this area of the world that is competitive with other areas of the world. The European common market. The countries in Europe are aggressively pursuing fair and common trade between them. Why? So that they can compete with America. So that they can compete with the countries in the Pacific rim. The same thing is happening in the Pacific rim. To some degree, the Middle East with certain countries and certain products.

I don't think we as a country can be isolationists. We have to trade fairly to whatever degree possible, especially with our neighbors, Canada and Mexico. And if we can't trade fairly with them, we can't create the kind of environment to compete with the world.

they've ever done it in the history of this Country.

It's not rhetorical when we say that we've seen a dismantling of the traditional working middle class in this country. That has been a reality. So, week after week when we pass proclamations in these Chambers dealing with the problems in this City be it crime or the plaguing of youth not having productive employment, we can really trace that to a general collapse in our economic and our productive capability in this country.

Rather than go on and on about this issue, I think it's important that before we start talking about NAFTA, we try to recognize that we need a level playing field. And that means that other countries need to come up in their standard of living as far as wages and benefits, environmental laws, so that there is a level playing field to begin to have this illusion of a free trade among our countries.

There are all kinds of opportunities for U.S. countries to engage in trade and procurement and purchase of goods and services with other nations. But if you begin to analyze this document, which even its formation was a secret document, I think we begin to understand that it will hasten and continue the demise of our productive capability in this country. And, as far as I'm concerned, that's going to affect working people in my Council district and throughout the City of Pittsburgh.

At this time, I'd like to ask Mr. O'Connor to say a few words and then I'll turn to Mr. President and others who may want to have some comments.

Mr. O'Connor:

I was very excited when Jim and I talked about co-sponsoring this because we talk a lot about crime. That's half our discussions here.

Crime, unemployment. In fact, yesterday they said that one out of three children in Pittsburgh is from a single parent.

Our Chief of Police, Buford, when we discussed with him at the table what he would do to stop the crime, with the loitering bill, et cetera, he said, "If you really want to stop the crime, create jobs."

When I was 20 years old, I was married, had a baby, but I also had a job at J & L where I could make a good living, buy a house and buy a car. These young people in their early 20's or late teens, they can't get married if they wanted it. They can't support a wife and child.

I look back at all these problems in the streets and the cities they didn't start yesterday. I don't know if you know Mr. Brooks, he's a constable in the Hill District. He told me six or seven years ago, he's a good friend of mine, he said that there were big problems out there. I didn't really see them, to be honest with you. Our business was booming and things were good. He told me seven years ago that we were going to have this problem and nobody paid attention.

We can blame the unions or the management of the 70's, but I also put a strong blame on the political leaders of the 70's for not stepping forward. We had the laws. When I first met Dukakis when he was running, I basically said, "How can we stop this dumping of steels and autos?" He said, "We have enough laws; we just don't enforce them." We haven't enforced them and we're still not doing it. And it's a shame because if we had these jobs, I don't think we'd have half the problems we do.

But getting back to NAFTA, when President Bush first introduced it he was on CNN and he had a big chart. He showed our country, Canada and Mexico. He said, look at the banking industry, and they had the arrows. The banking

Ms. Newell:

On behalf of all of the organizations here today and many others opposing NAFTA who are not here, I want to thank Pittsburgh City Council for adopting this resolution for giving additional evidence of what I believe is a ground swell of popular opinion growing throughout this Country against NAFTA.

We know that the economic integration of North America has increased dramatically in the past decade and that the continuing integration of the Canadian, U.S. and Mexican economies will continue with or without NAFTA.

But what this agreement does is guarantee that that process of economic integration will work to the detriment of the overwhelming majority of the people in all three countries. It is nothing more than a corporate bill of rights to enable the transnational corporations to enhance their profits by racheting downwards to the lowest standard the wages, working and living conditions of the people.

That's why we believe this agreement must be defeated and that we must immediately begin to work as the resolution calls for a continental development agreement that will make this process of integration harmonize upward the wages, the living conditions, the environmental and consumer protections so that truly the majority of people can benefit from the process that is taking place.

So, we want to thank Council again for passing this resolution. We'll do everything we can to publicize it. Thank you.

Mr. Zumac:

I'm Bill Zumac, Chair of the Allegheny

Group of the Sierra Club. On behalf of the members of the environmental community, including members of the Sierra Club, Clean Water Action and Citizen Action, all involved in the Fair Trade Campaign, I'd like to thank Council for adopting this resolution for preservation of environmental standards, as well as the safety and health of workers, as well as protecting workers' jobs and saving them from industrial flight to environmental regulations. Thank you very much.

Mr. Ferlo:

I just want to say, the notion of free trade sounds like a great legalitarian belief and probably has been dated far back in our discussions on the history of our economy being that it is a capitalist economy, and this economy has been debated as far back as the continental congress and the formation of our governing laws. But, quite frankly, it is an illusionary concept and what we really don't have is free trade. We have no such thing as a level playing field when we talk about international economy.

In my 42 years, at least in my adult life, I have seen a dismantling of productive economy in this nation. We've seen a situation where in many respects we've seen the nature of capital in this society and in this country flee elsewhere. My first recollection as a young person growing up in upstate New York in the early 50's was a dismantling of a lot of our electrical plants moving to countries that, at that time, I had never heard of. The fact of the matter is, we really don't have a level playing field.

We have at this time in our economic history in this country a group of individuals who represent a very small group of people but constitute the greatest wealth in this society who are doing anything they can do to maximize their profit and their wealth. And their doing that in even greater amounts and to a greater degree than

WHEREAS, according to the Manufacturing Policy Project, more than 5.9 million U.S. manufacturing jobs including approximately 350,000 jobs here in Pennsylvania may be lost under NAFTA; and

WHEREAS, NAFTA contains no effective means to protect workers rights to organize and bargain collectively nor does it provide effective enforcement provisions for child labor laws, health and safety laws or minimum wages; and

WHEREAS, as we prepare to enter the 21st Century, we must be more vigilant than ever in protecting our environment in order to ensure that future generations will be able to enjoy any kind of quality of life; and

WHEREAS, weak and ineffective environmental laws in Mexico and the lack of enforcement of such laws may be further incentive for U.S. industries to relocate to Mexico; and

WHEREAS, under NAFTA, U.S. environmental laws can legally be challenged as trade barriers; and

WHEREAS, the American Federation of Labor - Congress of Industrial Organizations (AFL-CIO), the Fair Trade Campaign of Southwestern Pennsylvania, the Allegheny County Labor Council, the United Auto Workers' Community Action Program, and the Sierra Club, as well as many other citizen, labor, environmental and religious organizations have called for the rejection of NAFTA.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby calls upon all Western Pennsylvania Congresspersons and Senators Wofford and Specter to reject the North

American Free Trade Agreement; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh hereby calls upon all Western Pennsylvania Congresspersons and Senators Wofford and Specter to instead support a continental development accord that includes strong enforceable provisions to protect workers, labor rights and the environment; and

BE IT ALSO RESOLVED by the Council of the City of Pittsburgh that the week of October 17 - 23, 1993 is hereby declared to be "Fair Trade Week" in the City of Pittsburgh; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to Senators Wofford and Specter and all Western Pennsylvania Congresspersons.

Mr. Ferlo moved to adopt the resolution.

Mr. O'Connor seconded the motion.

Which motion prevailed.

The Chair:

I'm going to have a thought on it because I'm voting against it, Councilman Ferlo, but I'll have my comments after the speakers.

Mr. Ferlo:

Before I let Mr. O'Connor speak, I do want to also introduce our two representatives on behalf of the Coalition. We have Amy Newell here from the United Electrical Workers Union, and Bill Zumac from the Sierra Club. I'd like to have them speak.

I'd like to say a few words and I'm sure Mr. O'Connor would like to say a few words, and I'm sure Mr. President would like to say a few words.

Mr. Darkins:

Today I want you to know that Anika's books are in the bookstores and I encourage you to purchase them. Such a fine young lady of 16 years old that can write the history about the ghettos.

Ms. Thomas:

I would like to thank the City Council for giving me this award. But mainly and most of all, I would like to thank my mother for pushing me to enter in this writing contest. Without her I could not have done this. Thank you.

The Chair:

Thank you all.

Mr. Ferlo:

I'd like Councilman O'Connor to come forward, please and join with me. And I'd like our friends from the community of labor and Sierra Club, and I believe there are some other community organizations here. We have the United Electrical Workers' Union. I see the SOAR Organization, Bakery Workers' Union, Mon Valley Unemployed Committee. The list is endless today. I see some Teamsters out there. We even have a list here. We've got the Alliance for Progressive Action, United Electrical Workers' Union, Steelworkers Oldtimers Active Retirees, Service Employees International Union Local 585 and Local 29, Mon Valley Unemployed Committee Representatives. Tri State Conference on Manufacturing. National Lawyers Guild representatives. Steel Valley Authority folks. I see Molly Rush and others from the Thomas Merton Center. We have the UAW Local 544. We have an environmental group, the Clean Water Action Project and other public interest groups, Citizens Action, the Sierra

Club, IAN, the International Association of Machinists, Local 1060.

All of these groups, as well as several hundred others locally, represent a growing list of membership of the Fair Trade Campaign of Southwestern Pennsylvania.

At this time I'd like to move the following resolution and we will have a few comments from Councilman O'Connor. And we also have speaking with us today to receive the proclamation on behalf of the Coalition is Amy Newell who is Secretary Treasurer of the International Union of the United Electrical Workers. As you know, the International moved to Pittsburgh their international headquarters a few years ago and we also have Bill Zumac from the Sierra Club.

Mr. Ferlo and Mr. O'Connor present

No. 3298 WHEREAS, the City of Pittsburgh and its residents have suffered long enough from the devastating effects of the loss of thousands of jobs and are in need of a meaningful economic recovery which ensures the creation of jobs rather than one which merely provides additional means for corporations to increase their profits; and

WHEREAS, pursuant to the North American Free Trade Agreement (NAFTA), the AmeriMex Maquiladora Fund allows and encourages U.S. and Mexican investors to acquire controlling interests in U.S. manufacturing companies where labor is a significant cost factor and move all or a portion of such companies manufacturing operations to Mexico; and

WHEREAS, six Pittsburgh-based corporations including Rockwell, Papercraft and Westinghouse, have already moved either entire U.S. factories or departments to Mexico; and

it because I'm always late that someone told me to be there at 7:00 instead of 7:30?

Ms. Kuhar:

No, no. We're starting at 7:00. Our phone number is 394-4848. That's the Bundle Up Hotline. We're starting at 7:00. We're going to have breakfast for the volunteers and the kids, and shopping is going to happen right before the stores open. We'll be shopping through and then the stores will be opening at 10:00. That's why it's so early.

Mr. Smith:

No problem. For a moment that a youth can remember of people reaching out, it's worth the sacrifice of getting up early on a Saturday morning.

Thank you very much for all of your volunteer work and hard work in helping the youth of our County.

The Chair:

Thank you all.

Mr. Darkins presents

No. 3297 WHEREAS, at the age of 13, Anika Thomas wrote and illustrated "Life In The Ghetto" and won The 1990 National Written & Illustrated by Awards Contest for students in the 10 to 13 age category. At the time of this writing, Anika was an honor student at Prospect Middle School in Mt. Washington; and

WHEREAS, after "Life In The Ghetto" won first place, the Pittsburgh School Board of Education presented a Certificate of Distinguished Achievement to Anika and as an additional accomplishment, "Life In The Ghetto" is a required reading in the 3rd and 4th grade

levels throughout the public schools in the State of Pennsylvania, and is located in the libraries; and

WHEREAS, Anika Thomas has received a \$5,000 scholarship, has appeared on numerous talk shows nationally and locally, received a proclamation from Mayor Cathy Chanler of Kent, Ohio, a resolution for Anika Thomas Day in Summit County, Akron, Ohio, has received National Awards and recognition from Ethel Kennedy, President and Mrs. George Bush, Bishop M. Vincent, Senator Leonard Bodack, Akron, Ohio House of Representatives, Pennsylvania State Representative William Robinson, and the list goes on; and

WHEREAS, Anika Thomas lives in the Chartiers Wind Gap area of Chartiers City, a surrounding area of Pittsburgh, Pennsylvania, with her mother Barbara and other family members. Anika is currently 16 years of age, attends Langley High School as a Junior, and has written two more books which will be published soon. Anika plans to attend college and further her education towards becoming a lawyer, doctor and writer.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby acknowledges and congratulates Anika Thomas for her achievements and further recognizes her persistence to conquer her dreams; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh declares Tuesday, October 19, 1993 as "Anika Thomas Day" in the City of Pittsburgh.

Mr. Darkins moved to adopt the resolution.

Mr. Ferlo seconded the motion.

Which motion prevailed.

It's my privilege, on behalf of the Salvation Army, to thank you each for your participation in Project Bundle Up. When the Salvation Army and Channel 4 first began to put this concept and idea together, it worked because literally thousands of people throughout the City, across the County, throughout a wide area, have put their hard work and their effort and their energy into this to provide coats, as you have heard, for senior citizens and children.

The Salvation Army is proud to be the sponsor of this because it follows in the pattern and the background of a biblical belief. The idea that, if you have two coats, share them. If you have warm clothing and see someone that is naked, to participate in that.

The people who have joined in this, from the volunteer staff and the permanent staff of Bundle Up, and the people all across Western Pennsylvania, have made this thing work because of the warmth in their heart that clothes children and seniors.

Thank you on behalf of the Salvation Army, Channel 4, and all of the people who we serve in your name.

Mr. O'Connor:

I just want to say a few words. I was involved with Project Bundle Up for about six or seven years. Our company, Pappan's and Roy Rogers, always sponsored it. We were always active in the telethon. They have a big telethon and auction.

But last year was my first experience actually going out in the field with young people. I was with Jay Costa and his mother and myself, and we had breakfast with the youngster before it started. As we were digging in, we looked across the table and this young man from Braddock, maybe six or seven years old, started saying his

prayers before breakfast. We all kind of felt humbled that he didn't take anything for granted. And when you saw what these kids get, they only get a coat. The kid I was with got boots, gloves and hats. So, they get plenty of items and it's just a tremendous effort that they put out for over 5,000 kids that day.

What I'm trying to point out, if you can, Saturday, it would really be a great experience for all of us to turn out and see what this group does. And I really want to commend the Salvation Army and Channel 4 for their fine work in our community. Thank you very much.

Mr. Onorato:

Mr. President, I'd just like to thank the individuals that have been very active in Project Bundle Up. Last year I had the opportunity to go into the stores in the north, and one thing that should be mentioned today is the excitement and the enjoyment on these children's faces is unbelievable. That is worth a million dollars to see. No matter what we say in the proclamation and what we say here today, it can't top the emotions of the individuals that receive these coats.

It's frightening how many children there are out there that do not have the necessities just to get through a winter. And I want to thank you for filling a void in society right now where government doesn't have the resource to do it. A lot of people can go home to their warm homes and sort of forget about the problem, but the problem is there and thank God somebody is stepping up to take care of it and I want to thank you personally.

Mr. Smith:

Quickly, if someone would be so kind as to repeat the phone number before the camera goes off. I will be there Saturday morning, but is

"Dear Project Bundle Up:

I am writing this thank you letter to thank you for the nice and warm coat you gave me this Christmas. I want to thank you for all the good you do for people in need of help.

I don't know what I would have done if you hadn't given me the coat you gave me. Now I'm going to have a warm winter, thanks to you.

May God bless you and be with you."

I think that letter says better than anything I can say why this is such a terrific organization and the benefits that they provide for needy people throughout the City of Pittsburgh.

With us today are a number of people who are associated with Project Bundle Up. Dana Kuhar, who is an Assistant at Project Bundle Up; Carol Hill, a member of the Project Bundle Up Committee. We have from the Salvation Army Major Kelly; glad to have him here this morning. Brian Pyrich who is a volunteer, and it's really the volunteers that make this organization work. Also, Pia Flori, another volunteer. And, Cotura Best who is an assistant at Project Bundle Up. Thank you all very much for coming here today.

I'd like to present you with this resolution, ask Councilman O'Connor to say a few words as well, and then have a few people from Project Bundle Up say a few words. Congratulations.

We have two of these this morning so, Major Kelly, if you could come up, too. And I'm going to give this to Dana and Major Kelly, and thank you on behalf of the City of Pittsburgh. Congratulations.

Ms. Kuhar:

Thank you very much, Councilman

Cohen. It is a great honor for Pittsburgh City Council to proclaim October 23rd as Project Bundle Up Day. We truly appreciate the support of the City Councilmembers.

As Councilman said, 5,000 individuals will be helped this year through the funds we've raised through our telethon and auction and other small events that we have throughout the year. And October 23rd, that's the day. We're taking 600 volunteers and kids, matching them up together, and we're going to go shopping for hats, coats, scarves, mittens and boots.

Right now I'd like to introduce Carol Hill who has been so supportive to Project Bundle Up since it began in 1986. Without her help, Project Bundle Up and Personal Shopping Day would not be as special as it is. Thanks.

Ms. Hill:

Thank you very much. I'd like to thank Council for this proclamation.

Project Bundle Up is a wonderful program. I've been with it since its inception. And anybody who wants to get involved, we're always looking for volunteers for different things. You can call Dana or Cotura at the Project Bundle Up Office at 394-4848.

We're looking forward to a great time this Saturday and we welcome the Councilmembers who will be with us. Thank you.

Major Kelly:

Thank you very much. It's a privilege to address you. Councilman Cohen gave me a few tips. He said, "Stand up and be seen, speak up and be heard, and shorten it up and be liked." I think that was his words. Something along that line.

I think you have a great staff, a great group there in Engineering and Construction. But I just want to serve notice on you today that, after I become the next Mayor of this City, I'd like you to come back and help Duane Darkins.

The Chair:

Again, we want to thank all of you.

The reason why we took this resolution first, ladies and gentlemen, is so that they can all get back to work. We'll see you later. Thank you.

Mr. Cohen:

Would the folks from Project Bundle Up please bundle yourselves up and get to the microphone? It's my honor to read this proclamation for Project Bundle Up.

Mr. Cohen and Mr. O'Connor present

No. 3296 WHEREAS, Project Bundle-Up is a joint community service effort of the Salvation Army, WTAE-TV and WTAE Radio that has provided warm winter coats and outerwear to more than 42,000 children and senior citizens throughout Western Pennsylvania since 1986; and

WHEREAS, each fall season, Project Bundle-Up sponsors Personal Shopping Day, a day when volunteers take children between the ages of 4 and 10 to various stores to shop for hats, coats, scarves and mittens and provide these children with breakfast, entertainment and a goodie bag; and

WHEREAS, on Saturday, October 23, 1993 at 7:30 a.m., Project Bundle-Up will pair more than 600 volunteers with needy children to participate in this fall's Personal Shopping Day at various retail stores throughout the City of

Pittsburgh and Allegheny County.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends Project Bundle-Up for their important contribution and congratulates them on their lasting success in providing much needed comfort and warmth throughout the winter to children and senior citizens in the City of Pittsburgh and surrounding area; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh declares Saturday, October 23, 1993 as "Project Bundle-Up Day" in the City of Pittsburgh.

Mr. Cohen moved to adopt the resolution.

Mr. O'Connor seconded the motion.

Which motion prevailed.

Mr. Cohen:

Members of Council, I give this proclamation every year and every year it seems that this organization seems to get even that much better. This is truly a joint cooperative effort of so many different organizations and volunteers who will be clothing this year 5,000 people, mostly children and seniors. They'll be going to 18 local department stores this Saturday and, moreover, the children will be bussed by the Salvation Army and the Salvation Army is very, very much involved.

Before I ask Councilman O'Connor to say a few words and introduce the people who are here today, I'd like to read just a couple of lines from a letter, one of many, many letters that are written to Project Bundle Up after the Project Bundle Up Day. This one touched me.

skinny little teenager from South Oakland. But you've grown up to be a great Director and I just want to say personally that I've had battles with you and your staff but, under your direction, you have a great staff in Engineering and Construction. They have been pleasant battles because, every time we've had a battle, it's always been of a constructive nature and the community and our City is far better off for it. And I just think the amount of professionalism, the expertise and, quite frankly, the sensitivity that you have assembled with your staff has really been a significant contribution to this City. And it was all done without privatizing anything. It was done in-house by experts and people that have a lot of talent and I'm glad that talent is remaining. And I wish you well in your next job as well as your family.

Mr. Ricciardi:

Director Sciulli, I would just like to take this opportunity to congratulate you and your professional staff that is with us today, and your other staff members and your supporting staff that right now is working hard at their desks, I'm sure.

I think you've done an excellent job throughout the entire City, including other projects, as you've mentioned, such as the EMS station in Knoxville. It was well done, under budget, and was very sensitive to the feelings of the neighborhoods.

It's been an honor to be affiliated with all of you. As you know, following Mr. Cohen's footsteps in Engineering and Construction, I've had a lot of reasons to visit the floor, contact some of you by phone, including Mr. Todd Meyer and yourself, Director.

I want to thank you for your courtesy and it was a pleasure working with all of you. And I look forward to working with many of you in the

future. Thank you.

Mr. O'Connor:

I know, Alex, my first month in office, I know Dan and I toured all of the departments. From that first tour, I was very impressed with you, your staff, and how well organized you had everything. Everything was being computerized and documented and it certainly shows from the top down what happens because, as you go around the City and see the magnificent work -- I swim in Schenley Park almost every day with my family, the Zoo projects and all the ones you named.

I just want to thank you for all the citizens of Pittsburgh for what you've done. We're going to be sorry to see you leave but I think you do leave an outstanding staff behind you, which is a credit to you.

Mr. Onorato:

Alex, once again, congratulations. But I think that the biggest compliment anyone can pay an individual is from people on the outside. Everywhere I go I think it's a constant thing where people will say that Engineering and Construction is a great department and they do a lot of good work for the City of Pittsburgh. I think that reflects on you and your staff, especially when it comes from the outside.

So, once again, congratulations, good luck. I know you're here for two days and I have two more projects that I will be calling you on. Thank you.

Mr. Darkins:

Alex, you've never ceased to amaze me. You've always done a very good job for the City of Pittsburgh. I can't say that you and I have battled because that never happened.

you have had an opportunity to share in that because they've designed senior citizen centers, community centers, recreational facilities, other public facilities like fire stations, EMS stations and police stations.

I'm very, very proud of the group and recently, as Jack mentioned, we were the recipients of two awards from the American Institute of Architects

So, with mixed feelings, I'll be leaving the City. But I certainly am leaving and entrusting a terrific group for the City, and I'm sure that they are going to perform as well as they have for me in the past few years. Thank you very much.

I also would like to introduce Todd Meyer to say a couple of words.

Mr. Meyer:

On behalf of the Bureau of Architecture, I would like to thank the Members of Council for this recognition.

As a City employee, we're accustomed to not receiving a great deal of reward, or special reward, for our efforts. So it's particularly gratifying to have this recognition.

As many of you know, the Bureau of Architecture does hundreds of projects in a year and we have a very, very talented staff. I'd like to take this opportunity to thank them all for all their efforts on behalf of the City and the taxpayers.

I'd also like to recognize a few of the members of the staff who particularly were involved in these projects. The Schenley Park Pool renovation was a project we undertook. As a portion of that renovation, we constructed a ticketing entrance canopy. And although that portion of the project was not extremely costly, it was a very innovative design and very, very

thoughtfully done. The designer of that project was Mr. Jeffrey DeNinno.

The Pittsburgh Zoo Walkway was, of course, a much larger project. We had a number of our people involved in that project. It was a team effort. We in the Bureau did the design of that project in house, and then we hired a local architectural firm, Burt, Hill, Kosar, Rittlemann, a Downtown firm, to actually produce the bid documents. Our team members on that project were Bruce Padolf, our Project Manager, Al Kovacik, our Project Architect who gave 110 percent constantly on this project to ensure that it came in on time and under budget. In addition, Ray Sinagra was our Designer for this project and his creative juices really gave birth to the project that you're seeing today.

Thank you all, again, very much for this honor and award.

Mr. Cohen:

If I may say a word, I also just want to congratulate all of the architects here. You're true professionals. At the same time, this is probably one of the last times that Alex Sciulli will appear before Council. It may not be the last time, Alex, sorry, because you'll probably appear at a Committee Session. But, in any event, I did want to take just a moment to commend and thank Alex Sciulli for all of his dedicated service to the City of Pittsburgh.

When I became a Member of this Council, my first committee chairmanship was Engineering and Construction, and it was a pleasure to work with Alex. He's talented, he's professional and dedicated to this City. And I just wish you the best of luck in the future.

Mr. Ferlo:

Alex, I think I remember you mostly as a

for City-owned properties; and

WHEREAS, local projects designed within the Department of Engineering and Construction offer to City residents a savings of thousands of dollars in consulting fees as well as the benefit of inspirational and functional designs on public properties throughout Pittsburgh; and

WHEREAS, the local chapter of the American Institute of Architects has recently awarded the Bureau of Architecture two citations for "design excellence" for projects at the Pittsburgh Zoo Entrance Walkway and the Entrance Canopy at the Schenley Park Pool, each based on national design standards and providing peer recognition for superior design; and

WHEREAS, Todd Meyer, Bruce Padolf, Jeffrey DeNinno, Raymond Sinagra, John Gresock, John Jennings, Albert Kovacik, Lisa Vavro, Don McNeal, Thomas Olivo, Casimir Pellegrini, and Kevin Silson are the contributing personnel in these award-winning projects, which were among the first designs ever submitted by the City of Pittsburgh for consideration by the American Institute of Architecture juries.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend these individuals and the Department of Engineering and Construction for their professional and creative contributions to "design excellence" as recognized by the American Institute of Architects.

Mr. Cohen moved to adopt the resolution.

Mr. Ferlo seconded the motion.

Which motion prevailed.

The Chair:

Director, I am extremely honored today to present this resolution on behalf of all Members of Council to you. And I would further say that in addition to these two designs of excellence, of which an award has been received, many of you have seen numerous projects throughout the City of Pittsburgh, particularly in the Parks and Recreation Department where the City of Pittsburgh and the people that you see up here, in addition to these two projects, have done an exceptional job.

It begins with the leadership of an excellent Director, a gentleman that we're going to lose, unfortunately, here in the City of Pittsburgh in approximately two weeks. Alex Sciulli is moving on to another occupation. But due to his direction and due to the people that are here under him, of which he's going to ask a couple to say a few words, he has truly assembled an extremely professional group of people that I'm sure, Director, will carry on the efforts and the standard of which you are set.

I am honored as Council President that all of you have received this award. But I'm even more honored with the exceptional job that I know each of you do each and every day. Congratulations.

Director Sciulli:

Thank you, Jack, and thank you, Members of Council, for sponsoring the resolution.

I guess I couldn't be prouder of a group than I am of the Bureau of Architecture. In the past ten years that I have been involved in the Department, they have worked very closely in-house and with local consultants to design some of the greatest projects that the City has seen probably in the last 20 or 25 years. And most of

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ONE-HUNDRED TWENTY-SEVENTH COUNCIL

JACK WAGNER President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON-WASLER.... Asst. City Clerk

Pittsburgh, PA
Tuesday, October 19, 1993

PRESENT:

MR. COHEN	MR. ONORATO
MR. DARKINS	MR. RICCIARDI
MR. FERLO	MR. SMITH
MICHELLE MADOFF	MR. WAGNER
MR. O'CONNOR	(Pres't)

The Meeting was opened by the recitation of the Pledge of Allegiance to the Flag of the United States of America, and a moment of silent prayer for peace throughout the world.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

The Chair:

The first order of business is Read and Adopted Resolutions and, with the consent of Council, we're going to go slightly out of order to do one that I am sponsoring first.

I'd like to ask the people from Engineering and Construction to please step forward.

Members of Council, ladies and gentlemen, I am extremely honored to present this resolution today with all Members of Council who have co-sponsored the resolution to a group of dedicated employees that work for the City of Pittsburgh. Public employees, many times, are thought of as not being exceptional employees but we are blessed in this City, I think, in a number of different departments to have employees that do an exceptional job.

Today's resolution shows how exceptional of a job they have done in terms of receiving an award in Engineering and Construction.

All Members of Council present

No. 3295 WHEREAS, the City of Pittsburgh Department of Engineering and Construction, under the direction of Alex Sciulli, has assembled a talented design staff of engineers and architects who create many in-house designs

will be in for important votes and I think it is terribly, terribly unfair what they've done to me.

Michelle Madoff moved to approve the Minutes of Tuesday, September 28, 1993.

Mr. Onorato seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Ricciardi**

Council adjourned.

WHICH MOTION PREVAILED.

Michelle Madoff:

And the Law Department.

Mr. Ferlo:

Procedurally, I know this is somewhat unusual. Most of us on this Council want to get on with the courts facility. A lot of us are still unhappy about even spending the money for this facility. We thought we had a deal. If there's not a deal, then we're going to change the rules of the game again.

I would suggest that we find out at the meeting tomorrow from Director Sciulli or whoever is at Engineering and Construction, exactly what is going on and if there's a way for us to just tack it on to an E and C bill tomorrow. But we should try to resolve this tomorrow. The whole purpose for rushing through this was to try to meet construction deadlines, contracts were to be bid. If the rules of the game are changed now, then I'm going to be introducing some bills to change what we're spending over there. We all had an agreement and a deal here. If this has fallen through, then we're going to go back and change the deal. We need to resolve this by tomorrow morning.

The Chair:

We've requested information from Mr. Sciulli and, Mr. Perry, ask for that information to be provided as soon as possible.

Mr. Cohen:

Mr. President, one possibility. I want to throw this out as a suggestion but one possibility is that because Engineering and Construction bills are at the very end of the agenda tomorrow, we could as Mr. Sciulli or Mr. Reginella,

whoever is available, to be available right after the meeting to be able to respond to this.

This was news to me and absolutely this has to be signed. So, perhaps one way to go is to notify Engineering and Construction to be there immediately following the meeting.

The Chair:

Rather than a written communication. Good.

Mr. Perry, simply request that Council, in the form of an informal post agenda after the meeting, would like them here.

Mr. Ferlo:

And if the problem is with the Law Department, have them here tomorrow too.

Michelle Madoff:

Mr. President, with your indulgence, since I have been really berated by the media and the public, and this could happen to any member of Council, for not being here, I think it's important that I answer my critics and explain what has happened.

I just spoke to Linda Johnson and said can we get a copy of the transcripts for that ever alert media.

I stated in this Council, as my colleagues may recall, and as you know, I spoke to all of you about my taking time off, that I was going to take time off at the advice of my doctors. I have been so open about it that I even let one of the reporters speak to one of my doctors. I don't think anybody has ever had to do that.

I am being evaluated medically. I am exhausted. There are some abnormal readings. I

The Chair:

There's a motion on the floor and a second.

Mr. Onorato:

I'd just like to ask the sponsor of the motion, Councilman Ferio, why don't we hold at least until tomorrow any letters just in case Councilman O'Connor comes back. If it's resolved tonight, there's no need to send that letter out.

Michelle Madoff:

With all due respect, may I respond? The reason you don't want to do that, look what happens when you're out sick and you're recovering from exhaustion, the distortions that appear and people are screaming that you're getting money and you're not doing anything.

I think what you need to do is give the people involved the chance to hear what we said, not through the translation of the media, not through a broken telephone, but let them hear it up front.

I have on many occasions spoken to Bob Mehrabian and said, "Did you hear what happened in Council today? Did you know what was discussed?" He said, "Michelle, I've been so busy, I didn't see it."

This way we will be assured that they will see it and it might be a vehicle that other Councils may want to use in the future.

Mr. Onorato:

Fair enough. But we will have a Councilmember at the meeting tonight. Councilman O'Connor.

The Chair:

There's still a motion and there's still a second and, unless it's withdrawn, we're going to vote on it.

Michelle Madoff:

Is that including my amendment to include the tape with it?

The Chair:

Your amendment is included. And we're going to hold off at least a day to see if we can work this out privately.

All in favor? Opposed?

WHICH MOTION PREVAILED.

Mr. Ricciardi:

I just have a request, Councilman Wagner. Several weeks ago, if not a month ago, this body approved the resolution authorizing the Administration to enter into an agreement with the Pittsburgh Building and Construction Trades Council, a stipulation agreement for Phase I of the Public Safety Complex. It just came to my attention a few days ago, along with Councilman Dan Onorato, that that agreement has not been signed. As a matter of fact, we're pursuing bidding without the addendum of the agreement in terms of paralleling what the County has done in the past.

I'm just at a loss as to why it has not been signed. I would hope that this City Council would approve a motion asking Alex Sciulli what the problem was and why was it not signed by both parties.

Mr. Smith seconded the motion.

So, I guess what I'm saying is, I am supporting the motion today. I do support all the statements that are made by my colleagues. But I would like to say in the future I think some of these things can be done either through telephone calls or written correspondence and don't really need to be brought out in the open unless we hit a wall itself. And after reading newspaper articles and reading editorials and hearing things that are going to be over the radio station today, I just hope we're not scaring people away and people aren't having second thoughts of working with City Hall. Again, I support the motion, however.

The Chair:

You're point is well taken. CMU, as we all know, is a world class university and we're honored to have them in our City. The Vintage Grand Prix, the type of race it is, it is a world class race and there's reasonable people running both, people that are open-minded, and I'm sure that they can work this out somehow.

Mr. O'Connor:

I believe that Mr. Ferlo has a point, especially the letter is a little stronger than it probably should have been. And I know there have been follow up phone calls and there's a meeting tonight set up already. So, I would hope to have an answer by next week or the following week at the latest that we can resolve this dispute.

Mr. Ferlo:

If it isn't resolved in a couple weeks I will ask for a post agenda and I will take to the airways with paid advertisements regarding this issue.

Mr. O'Connor:

Two weeks and I think I'll have a result.

Michelle Madoff:

Mr. President, I made a friendly amendment to the letter of Mr. Ferlo, I don't think you have a problem, to make sure that we've spoken very strongly here, everybody had an opinion and we're basically in agreement. I think it would be very beneficial to send the tape along with the comment that your issue was discussed, Council was very concerned, please see the attached. Listen to the tape or the transcript. And that will really clarify it.

I think it goes also to the issue of what was just discussed by my colleague, Mr. Ricciardi. You know, we're going to have a vote on the Zoo and we will have other public/private partnerships. I think you have to be very clear up front. We've learned from our votes on these things that we should spell out, not as part of the document but as an addendum, taking it out of the document, what we expect will continue.

I would hope that, for example, on the Zoo we would have a special discount, as I have pushed for years to get for City residents, that that would continue, instead of saying now it's a public/private partnership, they can do what they want.

When you turn something over, you have conditions. And one of the conditions that we overlooked in the signing of the contract with the golf course transferrings was that the Grand Prix would be allowed to continue.

So, we need to look in the future, we being future Councils, future Administrations, need to be very cognizant that it can come back and bite you in the proverbial, and to say we want to reiterate and make an attachment that these specific conditions must exist. Including but not limited to.

both take place there.

And, Councilman O'Connor, I would appreciate it if you would keep us posted if you see that this is going in the wrong direction. But at this point, I think that everything will work out and I hope to hear from Councilman O'Connor in a week or so.

Mr. Ferlo:

The logistics of the race itself in terms of the roadway, as far as I'm concerned, is up to the organizers of the Grand Prix working it out with the golf course operators. That's not the issue to me.

I would hope that this Council, and I'd like to make a motion that this Council send a letter to Dr. Mehrabian and Vice President, or President, Keating, of the golf course operation emphatically stating that we want the Grand Prix event to continue in Schenley Park and that we hope that the two groups can be accommodating as far as the logistics of the race and the time and all that. But I would like this Council to emphatically state that because the tone of the letter is basically, "You're not using the park anymore; find an alternative site."

I would like this Council to indicate to CMU our strong desire that the Grand Prix continue to exist and operate and utilize Schenley Park leaving the logistics to the two groups to work out. And I think it's important that we make a statement here.

As far as the timetable, with all due respect to my colleague, Mr. O'Connor, this letter is dated August 9th. We're talking about a situation that has gone on for a couple of months that I personally was not aware of. I would prefer that in the future that some of these issues that are provocative in nature, that we be informed as Councilmembers as to what's going on. So,

again, this letter was dated August 9th and there still seems to be not a resolution to this issue.

So, my motion is that we respectfully communicate to CMU our strong indication, or however you want to word the letter, Mr. President, that we want the Grand Prix to continue in Schenley Park and that the logistics of the race be worked out between the two groups.

Mr. Darkins seconded the motion.

Michelle Madoff:

Discussion. I would think a very short one paragraph letter saying that Council has reviewed your letter of August and are concerned and attached are the transcripts of what was said at the meeting, or send them a tape and Mike can prepare it for you. I think that is more to the point than just an impression that is coming, that gee, we're not too happy. I think everybody has had their say. Let's have our say directly.

Mr. Ricciardi:

I'll support the motion today and obviously I support all the statements that have been made today.

I just want to state, though, that there is one other issue and it's one that we don't have to discuss in detail now but it really concerns me. And that is that we must be very careful because I think if you would back up, since CMU has taken over the golf course, they have received some negative publicity either in these Chambers or maybe through the print media or even the network media. And in a way, we have to be very careful because in the future we don't want people to say we don't want to get involved in public/private partnerships because I'm sure in the past CMU, to my recollection, has never received any bad publicity.

it's done for charitable purposes, and even if it takes a couple of days out of the year for golfing, I think those are a couple of days worth sacrificing for a terrific cause.

So, my point of view which I plan to make Mr. Keating and CMU aware of is that they should accommodate the Grand Prix for a larger purpose.

Mr. Smith:

As a participant in last year's rally myself, I must tell you that every time we privatize something in this City we must look and we must study longer and harder as to not present these conflicts that we are now presented with today.

I think that it's extremely interesting that every time we are asked to vote on something, we are given the impact in dollars and cents that an event has on the City's income and taxable income. And I have not heard anyone mention the fact that there is not a hotel room available during this event because the participants come nationwide from Canada and from England and Europe.

I think that it's very important that we encourage, work out a deal that we can continue this particular event. I would be glad to participate with any group or committee, not only for the wonderful charitable work but for the number of jobs and the amount of money that is left in the City of Pittsburgh over that four day period. And I think that we need to stress the fact that people fill up our hotel rooms, they buy food from our restaurants, and they stay inside the City of Pittsburgh. Very few events that go on bring this number of people on an annual basis.

I would like to encourage everyone on this Council to attempt to bring to bear any connections that they have with anyone, and I'm saying that especially for Councilwoman

Madoff, that we attempt to interface ASAP so that we can retain this event and work in harmony with our new partner, non-profit partner, that has taken over the golf course. And I think that we need to begin to look at these particular events that occur as we privatize facilities so that we do not make these little faux pas as we have in this one in not including it as a part of a contractual arrangement.

Mr. Onorato:

Mr. President, I'd just like to comment too that as we create these public/private partnerships, we're actually changing the operation of these facilities that have basically been the same for over 100 years in some of the situations.

We have the golf course, we have Phipps, we have the Aviary, so there's going to be a lot of situations that develop that we didn't anticipate. But I think in this case it's pretty clear, if you look at the transcripts, that one thing that we all agreed on was that whatever group took over the golf course, that at a minimum everything would stay the same that takes place in the park. Well, the Grand Prix was there before the public/private partnership and it should be there afterwards.

I feel very comfortable in having Councilman O'Connor who sits on both boards to express our concern and to tell them what we feel, and he's already on that with meetings. So, I figure we can work this out. These things are going to come up. It's going to happen in the other public/private partnerships that are created. And when they come up, we have to deal with them.

But I think this is a case where Councilman Ferlo is absolutely right. The transcripts will bear it out that the Grand Prix should stay and I think it's time that we solve that problem as opposed to starting to throw stones. At this point, I think that we could probably have

Now, the letter would appear to have come from CMU, but I know Mr. Mehrabian and I have a lot more regard for him than many people, some people who have expressed here at the table. My gut tells me that if somebody sits down with Mr. Mehrabian very quietly, and Bob, you're going to be on that committee now, and says that it would be such a bad image for CMU to push this work, this needy dollars that are developed, out of the City and the stature it brings to the City having the Grand Prix that he will work something out. And I really resent attacking them until people have had a chance to try to work things out.

I hope that Bob will follow up, will sit down with the Chancellor, the President, and will also sit down with the representatives of the Grand Prix and work something out. It is not a tragedy if they don't golf for three days in a year. That is not a tragedy. The tragedy would be to push the Grand Prix out.

Mr. O'Connor:

I certainly agree and I am with both of you as far as it being a tragedy to stop the Grand Prix. I'm on that committee as well as the Schenley Park Golf Committee.

The Grand Prix, I've been quietly talking to them already. There's a meeting tonight to discuss this. I do agree. I think the letter was probably hastily sent. I think when we're running it as a business, that we use the word business as trying to run it more professionally and not waste or lose money. As we all agreed, the City was not running it up to par and losing a lot of money.

One of the things we've already preliminarily agreed on, it probably doesn't require four days, Mr. Ferlo, to shut the golf course down. It probably can be done in two, at the most two and a half days. These are the types of negotiations I think that have to happen before

the City was willing to shut it down without questions asked.

There's two non-profits here and both want to do the right thing. As I said, we have a meeting tonight. I think we'll work out most of those differences. But the race may come up with a problem because the Panther Hollow Bridge will either be closed this summer, we're shooting for July if the other one is open. The race is looking at different courses, maybe a shorter course. I go to a lot of races and I do think the course is a little long and it would hold the interest of the people more in a shorter course. That course may be right around the golf course, too. I'm not against saying it can't be used there. But I have started discussions with them and I can guarantee you that I think both will come off very smoothly.

Also, what Michelle said, I, too, have intervened when the Administration tried to basically hit them with a lot of excessive fees, the race, and we've cut that down to the bare bone.

So, I think in a little bit of time and a couple meetings, I think these differences can be worked out.

Mr. Cohen:

Mr. O'Connor made a couple of points that I was going to make as well. It's fitting that he should do that being the head of the Parks and Recreation Department Committee.

I'm not sure why Mr. Ferlo used my name because I was not aware of this letter before it happened, and I was only made aware of it after seeing an article in the Post Gazette. I believe it was Mr. Tom Barnes' article about it. But let me express my view, and that is that I do think that it would be in the best interest of CMU and the City if they allowed the Grand Prix to continue as it has in the past. The Grand Prix is a terrific event,

Several reactions come to mind. Setting aside my lawsuit and my objection on the taxable status, here we have the University openly and in a very blunt fashion indicating that indeed they are running a business. That's exactly why, after reviewing the lease, the preliminary vote of the Board of Property Assessment was to tax the golf course. It is and should be taxable just as other institutions, be they County-run, City-run, or privately-run that generate this income should be taxable.

Setting that issue aside, I believe, and maybe there's some dispute here, and I speak to my colleague, Mr. Cohen, exactly what the discussion was. I thought it was clear because when people are objecting to Ms. Rosenbloom's Arnold Palmer proposal, there was concern expressed by Councilmembers that the Grand Prix had to be accommodated by any private developer. And at that point, under that criticism, she in seeking to be given consideration, had indicated to this Council that there would not be a conflict. And, in fact, I believe specifically the language that was amended in the Council resolution at least implies that the golf course has to continue to peacefully co-exist with the other park-like uses of the golf course so long as to not impede the operation of the golf course. CMU's letter itself indicates it's not impeding the golf course other than the fact that it was closed for four days. But there was no property damage, the clean-up went smoothly, and the close-to-a-decade-long event of the Grand Prix continues.

I think this Council and certainly other Councilmembers even more so than myself who have been here longer have always been long-time supporters of the Grand Prix. I myself have helped to direct resources from the City to that group over the many years, and I will continue to do so. I think the public and certainly this Council is on record as strong supporters, not only of the Grand Prix but the Regatta, the Marathon, and some of the other major

institutional events that have become part of the symbolism of Pittsburgh and the region.

I would hope that we would not chase the Grand Prix out of Schenley Park and chase the Grand Prix event out of the City. Unlike the Regatta which does generate income and there are profits generated, all of the activity for the Grand Prix is done by volunteers. And the financial resources raised each year, roughly 50 grand, are contributed to two very important non-profit organizations that not only benefit from the income but help to supply many of the volunteers.

It has helped to put Pittsburgh on the map. This is an event, the Grand Prix, that has grown in stature each year. And I would hope that this Council would intervene, not only myself but other colleagues, to help resolve this dispute. I would very much like to see the Grand Prix remain in Schenley Park and I would hope that CMU would work to accommodate the event. If not, then I'm prepared to ask Council's support for financial contribution so we can pay off the CMU golf profiteers and allow that the Grand Prix event continue.

Personally, I think CMU should go pound salt, but I'll leave that whole debate aside.

Michelle Madoff:

The comments made by Mr. Ferlo about the good work that the Grand Prix does and the money it raises for charities is very valid and it is indeed a group that operates with volunteers. And, as you may recall, last year the City Administration tried to break the back of the Grand Prix by assessing them fees that they absolutely do not have. It would be a crime to put the last nail in the coffin and try to push them out of the City and I don't know why the Administration is doing this.

the Parks and Recreation Committee and the fact that, ironically, Phipps Conservatory is part of his legislative district. The appointment would only be for a two and a half month period.

Mr. Ricciardi:

Motion to approve.

Michelle Madoff seconded the motion.

WHICH MOTION PREVAILED.

Mr. Ferlo:

Two things very briefly. One is, my constituents in Highland Park and others who come through the Zoo area and travel up Hill Road, for the next few weeks we're very proud that a group of young people from Rogers School for Performing Arts involved in painting a Zoo mural on Hill Road. I'm sure anybody who has driver through the Zoo area and come up to the Highland Park community over the many years recognizes the graffiti that's been there for many decades. And despite the fact that the City has a very good track record in quickly removing the graffiti, it's plagued the community for many years if not decades.

Many people feel in the community that the mural that will be painted by the children from Rogers School would actually be a way of maybe reducing or maybe even completely eliminating the wall with the graffiti.

I want to thank Public Works and Parks for helping out on the project. The graffiti work will be removed. The wall has been painted. And the children will be involved in an artistic mural for the next couple of weeks. So I want to thank them and maybe at some point when they finish we'll bring some of the kids down to Council and show Council some pictures.

On another matter regarding the issue of the Schenley Park Golf Course and the Vintage Grand Prix, I want to read into the record a letter which I think some members may have been aware of, which I was not aware of. I have already indicated in the newspaper article yesterday how upset I am about this issue. And for those Councilmembers who are closer to CMU and Dr. Mehrabian than I am, I want to implore you to make a contact to the University.

This letter was sent to the organizers of the Vintage Grand Prix and I'd like to read it. It's from Patrick Keating, President supposedly of the Schenley Golf Operating Corporation. I believe he's also Vice President of Carnegie Mellon University. He's writing to Mr. Walko and Dan Terisky from the Vintage Grand Prix as follows, and I quote:

"My understanding is that logistics for the use of the Schenley Park Golf Course by the Vintage Grand Prix proceeded without difficulty. The course opened for play on Tuesday as scheduled after four days of being closed. Rick Hannis has advised me that there were no damages to the course and the clean up went smoothly.

While it is clear that the events are popular, I am sure you understand that the closing of the golf course for four days during a prime weekend is a significant financial hardship. Now that the course is being operated as a business, we must take steps to insure that we can attain a financial break-even point.

In that regard, we request that you begin now to make plans for next year's event so that the Schenley Park Golf Course will remain open.

I am sure that there are alternative locations for this event that will not necessitate the closing of the golf course."

second. All in favor? Opposed?

WHICH MOTION PREVAILED.

Mr. Smith presented

Bill No. 3279

Report of the Committee on General Services for October 6, 1993 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3244

A Resolution entitled, "Resolution providing for a Contract or Contracts or for the use of existing Contracts for the purchase of VHF radios and base stations for use in refuse and recycling vehicles, in an amount not to exceed Seventy Thousand (\$70,000) Dollars, and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3214

A Resolution entitled, "Resolution providing for a Contract or Contracts or the use of existing Contracts or Contracts to lease terminal equipment, data circuits and for the purchase of associated supplies for the CLEAM (Commonwealth Law Enforcement Agency Network) hardware at the Emergency Operations Center and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Ferlo	Mr. Ricciardi
Michelle Madoff	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

The Chair presents

No. 3284 Resolution approving the appointment of Bob O'Connor, 5670 Phillips Avenue, Pittsburgh, Pennsylvania 15217, Chairman of the Committee of Parks and Recreation, as a Member of the Board of Trustees to the Phipps Conservatory. Term to expire December 31, 1993.

Which was read.

The Chair:

Members of Council, this is an appointment that needs to be made by Council. This appointment would only be for the next two and a half months. I am recommending Councilman O'Connor because of him chairing

Pittsburgh."

Which was read.

Also,

Bill No. 3210

A Resolution entitled, "Resolution vacating Line Street between Fairland Street and another portion of Fairland Street reserving the right of easement of a 9" sanitary sewer and a 12" storm sewer located therein in the 29th and 32nd Wards, 4th Council District of the City of Pittsburgh."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Ferlo	Mr. Ricciardi
Michelle Madoff	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Ferlo presented

Bill No. 3278

Report of the Committee on Planning, Housing and Development for October 6, 1993 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3005

A Resolution entitled, "Resolution authorizing a Cooperation Agreement with the Urban Redevelopment Authority of Pittsburgh for the Pittsburgh Technology Center."
(AS AMENDED IN COMMITTEE)

Which was read.

Mr. Ferlo:

I'd like to make a motion to recommit this bill.

Mr. Smith seconded the motion.

Mr. Ferlo:

I believe we asked for some additional information on the municipal services fees and the tax issue in terms of the valuation of lands and/or building and how the payments will be made in the future. I believe we may have received a memo or a letter, I think it came yesterday, and I don't know how many Councilmembers have had time to review that.

The Chair:

It did come.

There's a motion to recommit and a

Mr. Onorato:

I just want to end by saying that I think this body is probably unanimous in agreeing with what Councilman Ricciardi stated, that we believe that there were a lot of other factors involved here. But where we disagree is, what's the path we should take to spend the least amount of money to solve this problem. And I think the majority feels today that this is probably the best bargain we're going to receive.

Mr. Smith:

Quickly. Since our historian brought up her involvement, may I point out that this suit was filed based upon the fact that without a party nod in the City of Pittsburgh, we had an all white City Council in 1986 when the lawsuit was filed. So, the suit did have a major impact on how we viewed the legislation that came up, introduced by Michelle, as to whether we went by district or not. And we must remember that we had an all white City Council and that the pressure between the lawsuit is what made people review Councilwoman Michelle Madoff's legislation in a positive light, for we did actually have created for ourselves proof for the lawsuit that without the powers that be there would not be minority representation on this Council.

So, I want to thank my colleagues for the work they have done, for voting today to close a chapter in our past, and that we proceed in the future with the business of the City of Pittsburgh and the benefit of the general citizens.

I will abstain on this due to a potential conflict.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass

finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. O'Connor
Mr. Ferlo	Mr. Onorato
Michelle Madoff	Mr. Wagner
	(Pres't)

AYES 6

NOES 1

(MR. RICCIARDI VOTING NO)

(MR. SMITH ABSTAINING)

And there being two-thirds of the votes of Council being in the affirmative, the bill passed finally.

Mr. Darkins presented

Bill No. 3277

Report of the Committee on Public Works for October 6, 1993 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3209

A Resolution entitled, "Resolution granting unto Integra Financial Corporation, 300 Fourth Avenue, Pittsburgh, Pennsylvania 15278, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, a concrete handicap ramp in the right-of-way of Perrysville Avenue in the 26th Ward, 1st Council District of the City of

Mr. Wagner:

He said there's a likelihood of that.

Mr. Specter:

We are recommending it because frankly the fees are going to mount if we fight this case. You have to understand -- unfortunately whether we like it or not and I'm not saying I like it. To me this is risk management and risk management brings me down on the side of making a settlement. If we go and try this case, what's going to happen is the plaintiffs' attorneys who are seeking the \$385,000.00 continue to bill and the time that they spend preparing for the case, the time that they spend trying the case and if there's appeal out of that whether theirs or ours, the hours keep mounting.

Mr. O'Connor:

This wouldn't go to a jury.

Mr. Specter:

It's not a jury trial.

Mr. Wagner:

The additional items would be billed to this Council and hopefully a negotiated settlement could be worked out. I for one want to see us put the issue behind us and I think it's in the best interest of the taxpayers to do that and to do it today.

(END OF COMMENTS)

PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

Mr. O'Connor:

What if we vote this "no" today and that would send them a message that either we're going to court and Council will buy a better number and Tuesday we can vote for whatever that figure may be.

The Chair:

Every additional our that Mr. Specter spends on this case is an additional hour that is going to be added to the ultimate bill. That's my answer to your question and we respectfully disagree on that.

Mr. Darkins:

It's not over yet though. It's not over yet and I think they are perfectly -- I agree with Councilman Ricciardi and let us not sit here at this table and procrastinate and fool ourselves. It's not over yet, it's not over and as elected officials we have to deal with the people in our council districts and it's not over yet Mr. Specter. I can understand the Law Department but that's my stand; it's not over.

Mr. Wagner:

There have been very few issues and I'm the longest sitting member at this table with our one colleague not here. There are very few issues that have taken more time in this government at this table than this issue and I sat at this table for years as an at large member. I know what precipitated the hole change, how it occurred. There are volumes of discussion on this issue at this table. I voted at this very table for district elections to put it on the ballot and I agree with a lot that has been said here but we are cornered on this issue and there is no other way to describe it. We are cornered on the issue and we are going to pay and the question really is how much and we have had a reasonable negotiated settlement and that is on the table in front of us and I believe it's in the best interest of this Council to move forward and vote for that settlement and get this issue behind us once and for all. This issue will be behind us, the whole issue of district elections, maybe not the new issue but the old issue of district elections will be behind us if we vote on this. If we don't vote on it, this Council or probably the next Council is going to vote ultimately on some other sum and what Mr. Specter is telling us is that that sum is in all probability going to be greater than the sum in front of us.

Mr. O'Connor:

I don't think he said that.

Let me say that the irritating thing about this whole case here is that I feel we're going to have to vote for this but I agree 100 percent with Councilman Ricciardi and Councilman O'Connor in that I don't think this had anything to do with the outcome of this case. I don't think it was a substantial factor, I think these were Johnny-come-lately's. This thing was initiated and it was going forward and it lost once at the polls but there was no way anyone was going to reverse this trend of where it was heading and you agreed to and what makes it even worse is the federal judge agreed. They were asking for \$750,000.00 and the judge said he would give \$113,000.00 and you just mentioned that the costs were about \$85,000.00 so it appears that the judge was saying that we will reimburse you for the cost because you really weren't a material factor in this case. Then all of a sudden it gets appealed and this great Third Circuit decides to change the rules on us and they probably don't live in the city and probably don't care how we spend our money and say that they are going to change the way they define what substantial role is and then send it back down and tell Judge Ziegler the way you determined it is wrong and now look at the new rules and that's what's really irritating to all of us here but unfortunately they asked for \$750,000.00 and Judge Ziegler started at \$113,000.00 and \$385,000.00 just in legal fees defending this is going to be a bad amount. So it's looking at numbers and just dollars here I'm going to vote for this because I feel this is probably the lowest we're ever going to come out of this deal. I think it's sad and I think it's a sad commentary from the Third Circuit on how they're interpreting this because if you look at the history of this bill here I have to agree with Councilman Ricciardi in that it did not play a material role in going to by-districts because I agree that the voters on the Northside that elected me by district did not consider this lawsuit or threat of this lawsuit as to why they voted for districts. They voted because Northside has been under-represented along with the West End and other parts of the City. People felt that by districts will put an equal representation down here on Grant Street and this thing was going to pass regardless of this case. But unfortunately I have to look over the dollars of the City and the taxpayers and I think this is the best deal we're going to get and we should learn a hard lesson here of what we have to deal with in the federal court systems who basically don't care where the money comes from and says to pay for it. I think they went beyond the bounds of why you have this substantial role factor and that we want to encourage people that are suppressed to come forward and file lawsuits but only if you initiated it, you were responsible for making a change then you deserve the money. That's not the case here and they changed the rules and the City of Pittsburgh unfortunately is paying the consequences of a Third Circuit appeal that came down on the wrong side as far as I'm concerned.

Mr. Specter:

It was \$40.00 or something, I don't remember.

Mr. O'Connor:

How much does a paralegal in Pittsburgh make? Under \$10.00?

Mr. Specter:

That's not the way you look at it.

Mr. O'Connor:

I'm looking at dollars here. These guys are asking for \$750,000.00 and a judge said they are worthy \$113,000.00. Now you've settled for \$400,000.00.

Mr. Specter:

That has been reversed.

The Chair:

Mr. O'Connor, if you can get law firms to charge their costs then I will praise you to the heavens.

Mr. O'Connor:

Don't forget, these guys jumped on an easy case. The case was already voted.

Mr. Specter:

No, it wasn't.

Mr. O'Connor:

If Mr. Ricciardi's history lesson is correct, the first vote was like -- I think Mr. Ricciardi and I would settle for something like that and take the other \$200,000.00 and give it to the youths of the city who need things that we've been talking about that on Council how we can spend our taxpayers' money in preventing some of the things that are going on in this city. I'd like to vote -- either you go back and negotiate and say Council will give you this, this is what I'll get through and I'll bet they might take it.

Mr. Onorato:

Mr. Specter, I feel the same frustration towards lawyers as Mr. O'Connor even being one.

the group who hired them, the Metropolitan Crusade for Voters and they realized there was no \$750,000.00 there but there could be \$750,000.00 or a compromise of \$385,000.00 from the taxpayers and the voters of the City of Pittsburgh. So they are going after who has the money. So my position is very clear. I would like to see us go back and appeal like this group appealed. In fact, when they were granted the 113 that was unacceptable and they went back and they appealed it and I think we're at that stage. As a matter of fact, we have the Law Department, we have our attorneys that are on staff, let's give them the inconvenience to come back here in the City of Pittsburgh and once again prove that that was a substantial reason why we changed the way we're going to elect City Councilmembers because of their pending lawsuit. Trust me. You go out there and get 100 voters, you do a random picking of 100 voters throughout the City of Pittsburgh, I'm sure the majority of them were even unaware of the lawsuit and a majority of those voters voted to change the method by the way they elect their Councilmembers only because they felt disenfranchised and they wanted a change of the method to bring City Council closer to the neighborhoods.

Mr. O'Connor:

I think Mr. Smith brought up good points and I really thanked the people that I thought this coalition had a lot more to do with. I think we all owe them a debt of gratitude because none of us would probably be here if it wasn't for district elections but Mr. Ricciardi's brought a good history lesson and I see the judge agreed with what Mr. Ricciardi was saying when he awarded them only \$113,000.00. So I think it's time and let's stop talking about who did what; we're talking dollars now whether it be principles or what. You said they're asking for \$750,000.00 which had to be pie in the sky. To ask that kind of money, I don't like that at all. And you said they are paying a low figure for paralegals at \$50.00.

Mr. Specter:

Under \$50.00.

Mr. O'Connor:

One hundred fifty dollars an hour?

Mr. Specter:

Under.

Mr. O'Connor:

How much?

At that time also in 1987 the people had a petition drive. That drive only required 11,000 votes to put on a change of the way this City Council is elected. At that time the petitioners were able to gather 19,000 signatures, 8,000 more than was required to put a referendum on the ballot.

What we need to decide at this table was, was the lawsuit "a substantial reason why we changed the method by the which we elect City Council members here in the City of Pittsburgh?" Deep in my heart and I questioned several of the people who gathered petitions, the overriding factor wasn't, "let's go out and gather 20,000 names because there's a threat before City Hall that if we don't change the way we elect Councilmembers that we're going to be sued and the possibility of losing in effect causing the City of Pittsburgh tax dollars. I don't think that was the overriding issue. I think people went out and gathered 20,000 names because they felt disenfranchised from the at large system. Also at that time there was a referendum put before the voters in the City of Pittsburgh which showed that merely 10,000 people decided to change the way we elected Councilmembers.

I'm not going to be lengthy, I made the debate the last time in a committee session. I just believe that voters in Southside and Arlington Heights, Beltzhoover, Troy Hill, Beechview, Brookline, the Northside and other communities in the City of Pittsburgh when they went to vote they did not vote for district elections because there was a pending lawsuit before us but they voted for district elections because deep in their heart they believe they were disenfranchised and district elections would bring their Councilmembers closer to them. I think at first even the Federal Court decided that it only ruled that damages for \$113,000.00 because they had believed that the lawsuit would provide other protections such as a redistricting committee that would oversee it and Mr. Specter is nodding his head yes so I would think that he would agree with it but I feel comfortable in litigating these costs and fees. I feel very comfortable that if we go to court we will be able to prove that the voters here in the City of Pittsburgh changed from an at large system to a district system not because of a pending lawsuit from Washington, D.C. voters but because they wanted their colleagues -- they wanted their Councilmembers elected by district and I have a strong feeling for that.

I will be frank with my colleagues. Yes, is there a possibility we can lose? Absolutely. Is there a possibility that we can win? I feel a very strong possibility. As a matter of fact when you think about it, if these lawyers first demanded \$750,000.00 and they honestly believed that that was their true cost in preparing for litigation, why would they settle for \$385,000.00? As a matter of fact we have to keep in mind that they believed that someone is responsible for their legal costs and I believe that's true but what they did is they looked at

(BEGINNING - MESSRS. O'CONNOR, ONORATO AND RICCIARDI'S COMMENTS ON BILL NO. 3095, WEDNESDAY, SEPTEMBER 29, 1993)

Mr. Ricciardi:

I promise I will be brief because I realize we have other bills before us today especially the billboard legislation that will take up a few minutes.

The decision before us is Number One to either accepted a negotiated settlement by the Administration or reject the bill before us and ask our Law Department to litigate the fees and costs as demanded by the Washington, D.C. attorneys. Mr. Specter, if you can please come to the table. Again, I think one important date to keep in mind is January 22, 1986 and that date is when the plaintiffs filed an action for declaratory and injunctive relief by residents of the City of Pittsburgh. Also another important date to keep in mind is June 1, 1987 and that was when we were going to go to trial.

It's very important to realize and recognize some of the events in the 1980's and those events I did talk about at the last meeting at the committee session. That is in 1981 there was a referendum before the City of Pittsburgh. That referendum had three questions before them. Number One, either keep the at-large system. The second question was to elect nine members of Council by district and the third question before them was to elect members of City Council by a combination and that is seven by district and two at large.

The vote in the affirmative was to keep it the status quo and that was to elect Members of Council by at large and that was by 289 votes. But if one would add up the affirmative votes in the other two categories and that is to change the status quo by all district elections and/or the combination, you would see there was a 20,000 polarity, meaning that nearly two to one people in the City of Pittsburgh believe that we needed change from at large to district elections. Again that was five years before the 1986 action by the Washington, D.C. attorneys.

Also in 1982, the City of Pittsburgh voters petitioned Allegheny County Department of Elections for a referendum to change the status quo from at large to by district system. Unfortunately some opponents were able to file an action in the Court of Common Pleas stopping it saying that any change of the method of government the way we elect our government needs to be put forth by a government study commission. Again in 1985 though when we all realize how hard it is to pass legislation on the state level, in 1985 legislation was passed by our state representatives and senators allowing home rule municipalities such as the City of Pittsburgh to change the method by the way they elect their elected officials by not going through a government study commission but a referendum.

The Chair:

(REMARKS ON FOLLOWING PAGES)

$\frac{d}{dt} \left(\frac{\partial L}{\partial v^k} - p_k \right) = \frac{\partial L}{\partial x^k}$

address Mr. Cohen, Dan, can this be appealed?

Mr. Cohen:

Thank you, Michelle, for asking that. The status that it's in now is that the appellate court has already ruled on this and they have sent it back to the district court saying that it should be interpreted broadly. Our Deputy City Solicitor, Mr. Specter, has said that that means that if we go back to court, it's going to mean more money for the attorneys than it did the first time around.

So, the reason that I favor this bill is that I am absolutely convinced that if we go back to court with that kind of mandate from the appellate court, then we going to be having to pay out more money than we do now.

Michelle Madoff:

Did you read the transcript? Do you understand my point?

Mr. Cohen:

I did not read the transcript. What I did read is Mr. Specter's fairly lengthy opinion on this that includes portions of that transcript.

Michelle Madoff:

Does Mr. Specter's opinion say that Council put it on the ballot regardless of --

Mr. Cohen:

Absolutely.

Michelle Madoff:

And so the judges didn't want to hear that.

It's obvious you're going to have to pay it. I don't think we have a choice. But I just think it's

important for the record that people understand that we're paying out taxpayers dollars because a court has mandated us to do so because it would cost us more dollars, not because this Council and the previous Council didn't do the right and honorable and correct thing. That was my point.

Mr. Ricciardi:

I'll be very brief. Listening very closely to Michelle Madoff's statements, I take for granted that she will be voting for the bill, and it appears that the bill will have the necessary six votes to pass as a warrant.

I just want to thank my colleagues for their indulgence because I did discuss this bill several times in depth and I was never interrupted by any of my colleagues. I would like to thank you for your indulgence. However, my position remains clear and I will be voting no for the reasons I've stated in the past. I don't believe we went from at-large to district because of the lawsuit, and I also have reservations on the amount of the settlement. It dropped from 750 to 385. I believe there's a lot of movement there and it can continue to decrease. But, again, colleagues, thank you for your indulgence in past Committee Sessions.

And I'd like my remarks brought forward on this bill. Thank you.

Mr. Onorato:

I'd like to have my comments brought forward from the Committee Session a few weeks ago.

Mr. O'Connor:

I'd like my remarks brought forward also and I thank Mr. Ricciardi for his insight. He put a lot of work into, enlightened us in a history lesson.

the public hearing where I was criticized by Mr. Hodge, in any way in relation to this issue would suggest that I in any way am opposed or upset about the current advocacy group by challenging this Council in court on the composition of the present Council in terms of our recent vote on the District Council lines. That is indeed their prerogative. I don't agree with them on the policy. I took a vote. I believed in what I was voting on. They have every right to sue and I have never indicated any opposition or resentment towards Mr. Hodge or anybody else in the community for them to exercise their right. That is their prerogative and I wish them well. That's their right in this City. But I did vote on the District Council lines for what I believe in as far as fair representation.

But the suit and the settlement today has nothing to do with the issues that were a subject of an unnecessary public hearing held a couple of weeks ago. And I would hope that we would be supportive of this measure as a way of settling up. We've already lost on the issue of a federal judge indicating that in his view the lawsuit was a contributing factor.

So, since we really have nothing more to argue about, I think we need to ante up, resolve this matter, and go on with future issues.

Michelle Madoff:

While I was not with you in person, I have been with you in spirit and keeping track of everything that's happening. I think that my colleague, Mr. Ferlo, aptly put it when he said that they would have voted anyway. Obviously, the public voted to have election by district, for whatever reason. But the fact remains that if it hadn't been on the ballot, they could not have voted for it. So let's put this into some kind of perspective.

And I put it on the ballot. How soon we

forget who our friends are. How soon we forget what somebody has done for the City. There's no news, so I'm news. I put it on the ballot, I stayed here during the holiday, a very trying time, I stayed here late, nobody was here, we worked until almost midnight the night before, until about 6:00 that day, and barely got it into the ballot in time because, as you know, the history, for those who may not know, and your historian is leaving at the end of the year, the history was that Mr. Stone, a former Councilmember, and the former Mayor of Pittsburgh had allowed the referendum question to say, "Do you want election by district? Yes or no. Do you want election at-large? Yes or no. Or do you want a composition? Yes or no.", so that nothing could win.

When I put it back on, the issue was, do you want it? Yes or no. And it was cut and dried and it passed. And obviously it passed with a lot of people because they felt that we were not going to have minorities on Council unless we had election by district which was my reason for putting it on. And I think Mr. Smith was around at the time and knows this. There was a chance we wouldn't have had a minority representation and I thought that was very unjust.

And the person who was most affected out of anybody here was me because it was my district, the one district I couldn't win in probably. Election by district, I lead the ticket. But it was more important to do the right thing than to worry about myself. So, I got it on the ballot, it passed, and there was no need for this lawsuit.

I don't believe, and I have not read the transcript of what transpired before Judge Ziegler, but I think if Judge Ziegler understood that it was separate and apart, done before the metropolitan crusade, there was no need for the metropolitan crusade, obviously our Law Department did not get that message across.

Now, the question is, and perhaps if I may

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen Mr. Onorato
Mr. Ferlo Mr. Ricciardi
Michelle Madoff Mr. Smith
Mr. O'Connor Mr. Wagner
 (Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 3215

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Public Strategies, Inc., One Bigelow Square, Suite 616, Pittsburgh, PA 15219, in the amount of \$4,000.00 in payment for professional consulting services rendered to Councilman Eugene Ricciardi for the month of September, 1993."
---(SPONSORED BY MR. RICCIARDI)

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen Mr. Onorato

Mr. Ferlo Mr. Ricciardi
Michelle Madoff Mr. Smith
Mr. O'Connor

AYES 7 NOES 1

(MR. WAGNER VOTING NO)

And there being two-thirds of the votes of Council in the affirmative, the bill passed finally.

Also,

Bill No. 3095

A Resolution entitled, "Resolution providing for the issuance of a warrant in the sum of \$385,000 to Lawyer's Committee for Civil Rights Under Law, Suite 400, 1400 I Street, Northwest, Washington, D.C. 20005, in settlement of a claim for attorney's fees and costs expended in connection with the litigation of Metropolitan Pittsburgh Crusade for Voters, et al. v. City of Pittsburgh, et al.; Code Account 86-173."

Which was read.

Mr. Ferlo:

On Bill 3095, this is a settlement of the \$385,000 for attorneys who represented an advocacy group. As I stated in the past, I think it would be important that we try to bring this Chapter of Pittsburgh's political and social history to a close. I would hope that it would have the six supportive votes.

I agree with many of my colleagues who indicated that the fact that a lawsuit was filed in and of itself was not the sole reason for a majority of the voters voting in support of District Council representation. I think there are other political and social dynamics that play during that period.

None of my comments in the past, nor at

finally.

Also,

Bill No. 3203

A Resolution entitled, "Resolution providing for an Agreement or Agreements with Yanni-Bilkey Investment Consulting for professional services in connection with an analysis of the City's investment management policies and procedures at a cost not to exceed \$4,000.00, chargeable to and payable from Code Account 1063 (106302) Miscellaneous Services, Department of Finance."

Which was read.

Also,

Bill No. 3204

A Resolution entitled, "Resolution providing for an Agreement with Breachmenders, their heirs, executors, administrators and assigns, which grants an easement for maintenance, ingress and egress on and through property owned by the City of Pittsburgh upon certain terms and conditions."

Which was read.

Also,

Bill No. 3205

A Resolution entitled, "Resolution providing for conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, 'Second Class City Treasurer Sale and Collection Act', effective December 11, 1984."

Which was read.

Also,

Bill No. 3206

A Resolution entitled, "Resolution providing for conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled 'Second Class City Treasurer Sale and Collection Act', effective December 11, 1984."

Which was read.

Also,

Bill No. 3207

A Resolution entitled, "Resolution transferring the amount of Five Thousand (\$5,000.00) Dollars from Code Account 1701, Miscellaneous Services, Index Code 170100, to Code Account 1728-1, Premium Pay, Index Code 172817, both accounts within the Department of Public Works."

Which was read.

Also,

Bill No. 3208

A Resolution entitled, "Resolution transferring the amount of Twenty Thousand (\$20,000.00) Dollars from Code Account 1544, Sewer Maintenance Contracts, Index Code 154401, to Code Account 1612-3, Brooms and Broom Accessories, Index Code 161232, both accounts within the Department of Public Works."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The Chair presents

No. 3246 Communication from John Walluk, Director, Department of Public Works, submitting revised regulations for the collection, storage and removal of solid waste and recyclables, and providing for the assessment of fees for removal of excess bulky waste from recyclable materials from residential dumpsters.

Which was read.

Mr. Ferlo:

Motion to hold for one week on the refuse amendments.

Michelle Madoff:

Question on the hold. Is that on the new contract or is this some additional —

Mr. Ferlo:

These are changes to regulations by Director Walluk and it was unclear when the bill came to us last week exactly what was being changed. We did get a new copy that was underlined and it seems as though there are a number of fees being imposed or raised and I think Council needs to look at the bill before we accept it into the record.

The Chair:

We just received it yesterday.

All in favor? Opposed?

WHICH MOTION PREVAILED.

REPORTS OF COMMITTEES

Mr. Cohen presented

Bill No. 3276

Report of the Committee on Finance for October 6, 1993 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3202

A Resolution entitled, "Resolution providing for the issuance of a \$1,890.00 warrant in favor of Loren & Sally Siegel in settlement of claim for sidewalk damage."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Ferlo	Mr. Ricciardi
Michelle Madoff	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8

NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bill passed

public hearing. I certainly agree with Councilman Ferlo in that we have an opportunity for everybody to be part of this process.

So, there is in the regulations an opportunity for a public hearing if we want to do that, and I certainly think that we should.

One last thing that I failed to mention, and that is that if you recall there are two tiers of cable. One is the basic rate, and one is the expanded basic rate. The expanded basic rate includes both basic and expanded basic fees. We are moving forward to being able to regulate the basic portion of that. On the expanded basic part, we also filed a complaint against TCI with the Federal Communications Commission. That was done a while ago and we have not heard yet from the FCC because they receive complaints from all over the nation. But we'll also have to keep track of that. So, the City of Pittsburgh has sued TCI at the federal level.

The Chair:

Councilman Cohen, or Councilman Ferlo, when should we schedule a public hearing?

Mr. Ferlo:

I was only making a suggestion that we agree to a hearing now and then you could set it up based on the time frame of when we actually receive documents recognizing that scheduling problems exist after the Mayor's Budget Message into December. If we vote on it now, you can use your discretion on when we could have this hearing.

Mr. Cohen:

Suggestion. TCI has to submit their rates and supporting documents by November 15th. I would suggest that we schedule a public hearing

soon after that so that the public can respond to those rates.

The Chair:

We shall, and I don't think there's any problem in scheduling an evening hearing to make the hearing more accessible to the public.

In addition to that, I suspect that the Cable Advisory Committee will schedule a hearing also, or maybe it could even be a joint hearing.

Mr. Smith:

I would like to ensure that that evening meeting is televised because a majority of the subscribers would like to know, because it is quite confusing presently as to what is going on with their cable.

The Chair:

The motion is to have a televised public hearing on that issue, have it in the evening, and do it after we receive notification of the rates which is probably after November 15th.

Mr. Ricciardi seconded the motion.

WHICH MOTION PREVAILED.

The Chair:

I need a motion to receive and file the item in front of us.

Mr. Cohen:

So moved.

Mr. Ferlo seconded the motion.

WHICH MOTION PREVAILED.

UNFINISHED BUSINESS

The Chair presents

No. 3245 Communication from Brother Richard Emenecker, Director, Department of General Services, submitting regulations to implement the City of Pittsburgh's authority to regulate rates for cable service under Cable Television Consumer Protection and Competition Act of 1992.

Which was read.

Mr. Cohen:

Mr. President, there was some question last week as to what that bill was all about and I just want to very briefly explain that those are regulations that we have to adopt towards regulating the cable monopoly in the City of Pittsburgh, which is TCI.

A couple things that have happened is that the City of Pittsburgh has become certified by the Federal Communications Commission to regulate our cable monopoly. So that's certainly one positive step forward. The other is that we have notified our cable monopoly that we are going to regulate their rates. So, those two things have already been done.

This bill presents really the timetable for the process of regulation and that includes the fact that by November 15th of this year, TCI has to submit their rates and supporting documentation to the City Council of the City of Pittsburgh, and that really starts the process by which City Council regulates cable rates. They have to do that by November 15th and then we have time after that to either approve or disapprove of those rates.

So, things are moving forward and I hope ultimately through this process we'll be able to restrict the rates that have been increasing at a tremendously fast pace by TCI.

Mr. Ferlo:

Just on this point. I want to thank Mr. Cohen who has spearheaded a lot of the oversight by this Council in terms of keeping track of the TCI regulations. I want to thank him personally.

I also would like to request that pursuant to our regulatory role, what it will be and when it will be, I would like to see that we have a televised public hearing on any documents or rate request information that would come from TCI.

And I would also ask, I know the Council President sets the public hearing but there's always a problem with a lot of people attending a daytime hearing, so I would like to ask if there's any possibility that we could have an evening meeting just because of the peculiar nature of a rate hike by TCI. So I would like to make a request for a public hearing, and I would ask that the President consider the possibility of an evening public hearing to accommodate the public.

The Chair:

When would the hearing be needed?

Mr. Cohen:

Mr. President, under the regulations that we're going to adopt today, it says that upon receipt of the rate schedule by the cable monopoly, those are my words actually, the monopoly part, the Superintendent shall schedule a public hearing for the receipt of oral comments. So that includes that in there.

I think that should be a City Council

No. 3270 Resolution transferring \$8,500.00 from Code Account 1490, Equipment, to Code Account 1484, Supplies, both accounts within the Department of Engineering and Construction. This Resolution will provide sufficient funds for the purchase of engineering and drafting supplies and miscellaneous supplies for the balance of this year.

Which were severally read and referred to the Committee on Finance.

Also,

No. 3271 Resolution amending Res. No. 594, eff. July 9, 1985, entitled "Providing for an Agreement or Agreements, with a Consultant or Consultants for professional engineering services in connection with the Design of the rehabilitation of the Schenley Park Bridge over Panther Hollow; providing for a Reimbursement Agreement or Agreements with the Commonwealth of Pennsylvania, Dept. of Transportation; and providing for the payment of the costs thereof," by providing for a Supplemental Agreement or Agreements and by increasing the total project allocation by \$50,000.00 from \$150,000.00 to \$200,000.00, chargeable to and payable from Code Account PW 84-18.

Also,

No. 3272 Resolution amending Res. No. 827, eff. July 13, 1992, entitled "Providing for a Cooperation Agreement or Agreements with the Commonwealth of Pennsylvania, Dept. of Transportation for reimbursement of costs incurred for the water and sewer systems improvements made on Harpen Road; and providing for the payment of the costs thereof," by providing for a Supplemental Agreement or Agreements and by increasing the total project allocation by \$75,000.00 from \$200,000.00 to \$275,000.00, chargeable to and payable from EC

92-456 - \$200,000.00 and EC 93-456 - \$75,000.00.

Which were read and referred to the Committee on Engineering and Construction.

Mr. Smith presented

No. 3273 Resolution providing for the transfer of funds in the amount of \$50,000.00 from Code Account 1144, Gasoline to Code Account 1132-9, Workers' Compensation, all Code Accounts within the Department of General Services. This transfer is necessary to pay for indemnity and medical bills through the balance of 1993.

Which was read and referred to the Committee on Finance.

The Chair presented

No. 3274 An Ordinance amending and supplementing the Pittsburgh Code, Title Six - Conduct, Article I - Regulated Rights and Actions, Chapter 607, Firearms and Other Weapons, by adding "Ammunition" and placing prohibitions on assault weapons and requiring identification for the purchase of ammunition.
---(SPONSORED BY MR. WAGNER)

Which was read and referred to the Committee on Public Safety.

Also,

No. 3275 Communication from Sophie Masloff, Mayor, advising Council of the appointment of D'Ann Swanson, 5425 Normlee Place, Pittsburgh, PA 15217, to the Public Auditorium Authority Board for a term to expire December 1995. Ms. Swanson is replacing Ben Hayllar.

Which was read, received and filed.

Bureau of Parks Maintenance, both accounts within the Department of Public Works. This transfer is needed to cover an expenditure for the purchase of equipment that as to be paid from Parks Maintenance 1992, but was not paid until 1993. Thus, the 1993 budget has a shortfall of \$12,000.00.

Which were severally read and referred to the Committee on Finance.

Mr. Darkins presented

No. 3264 Resolution authorizing the Director of the Department of Public Works to provide a license agreement with the Equitable Gas Company, 420 Boulevard of the Allies, Pittsburgh, Pennsylvania 15219 to install a new underground gas line system on City owned property between Lisbon Street and Webster Avenue in the 5th Ward, 6th Council District of the City of Pittsburgh. The property in question has limited value and the impact of installing the line will be minimal.

Also,

No. 3265 Resolution granting unto Dianne L. Boo, 309 Glendon Street, Pittsburgh, Pennsylvania 15205, her successors and assigns, is hereby granted the privilege to construct, maintain and use at her own cost and expense, a portion of a car port in the right-of-way of Glendon Street in the 28th Ward, 2nd Council District of the City of Pittsburgh.

Which were read and referred to the Committee on Public Works.

Mr. Ferlo presented

No. 3266 Resolution approving a Conditional Use Exception under Section 993.01(a)A(8) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993, to the Podiatry

Hospital of Pittsburgh for authorization to use an existing 2-1/2 story structure located at 235 South Negley Avenue as offices, truck unloading, receiving and storage of hospital supplies on property zoned "R4" Multiple-Family Residence District, 8th Ward. (Council District No. 9)

Which was read and referred to the Committee on Planning, Housing and Development.

Mr. Onorato presented

No. 3267 Resolution providing for a Contract or the use of existing Contracts to purchase Computer Equipment for the Bureau of Police at a cost not to exceed \$19,500.00, chargeable to and payable from the Public Safety Pennfree Initiative Trust Fund.

Which was read and referred to the Committee on General Services.

Mr. Ricciardi presented

No. 3268 Resolution providing for the issuance of a warrant in favor of U.S. Nuclear Regulatory Commission, License Fee and Debt Collection Branch, in the amount of \$2,120.00 in payment of the Annual Materials Fee Invoice, payable from Code Account 1482, Misc. Services.

Also,

No. 3269 Resolution transferring \$25,000.00 from Code Account 1457-9, Worker's Compensation, Dept. of Public Safety, Bureau of Police, to Code Account 1490-9, Worker's Compensation, Dept. of Engineering and Construction. This Resolution will provide additional funds to cover indemnity and medical expenses for the balance of 1993.

Also,

national public radio stations, and is the Director of the non-profit International Poetry Forum which sponsors poetry readings for Pittsburgh audiences; and

WHEREAS, a former Captain in the Marine Corps, Dr. Hazo has also represented the United States on State Department tours to Greece, Lebanon, Jordan, Egypt, and Jamaica, and has recited his poetry throughout the United States as well as in England, Ireland and France; and

WHEREAS, the two-time Pittsburgh Man-of-the-Year in the Arts award winner was officially installed as the first State Poet on October 18, 1993 at the State Museum of Pennsylvania in Harrisburg.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby recognizes the local, national and international contributions of Samuel Hazo in the arts and literature; and

BE IT FURTHER RESOLVED, that Monday, October 18, 1993 be designated as "Dr. Samuel Hazo Day" in the City of Pittsburgh in honor of Dr. Hazo's installation as State Poet in the Commonwealth of Pennsylvania.

Mr. Cohen moved to adopt the resolution.

Mr. Ferlo seconded the motion.

Which motion prevailed.

The Chair:

I asked Mr. Perry to read the resolution in its entirety into the record because it is a distinguished honor for Pittsburgh to have the first official State Poet.

Dr. Hazo was to be with us today but due

to an obligation at Duquesne University he could not make it. We will present the resolution to him personally and we're extremely honored that the City of Pittsburgh and Dr. Hazo has received it. Thank you.

Mr. Cohen presented

No. 3260 Resolution transferring the aggregate amount of \$20,000.00 from Code Account 1046-1, Premium Pay, \$12,000.00 from Code Account 1052, Inspection, \$8,000.00 Office of the City Controller to Code Account 1052-9, Workers' Compensation, Office of the City Controller. The transfer will provide sufficient funds to cover current and future expenditures for the remainder of 1993.

Also,

No. 3261 Resolution amending Resolution No. 1186, Item A, eff. November 19, 1992, which authorized the sale of a two story, brick house situated on a lot 15.46' x 100', 5th Ward, Block 10 M, Lot 27, 2531 Elba Street, to Marlana D. Edge for the sum of \$1,500.00. The reason for the amending resolution is to correct the date acquired, which currently reads September 19, 1989 to read September 18, 1989. (Council District No. 6)

Also,

No. 3262 Resolution providing for conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Also,

No. 3263 Resolution transferring the amount of \$12,000.00 from Code Account 1676, Misc. Services, Bureau of Environmental Services to Code Account 1708, Equipment,

Speaker:

I'd like to truly say I'm honored for the City of Pittsburgh recognizing the TAP Program. It's a great delight because these children, I love them all. This is only a small amount of them. They were excited, we're all excited, and I thank you again. We're going to go on further, especially with the City supporting us. Thank you.

Mr. Darkins:

I would like first to commend Councilman Gene Ricciardi for him taking an interest in his Council District and looking at this particular program. And I'm so proud of Jean Baron; she is doing a marvelous job.

But I had an occasion to visit this program. After visiting the program, I was touched and I have been back several times to make contributions to these children. They're not only of today, but they're our adults for the future.

And I want to say to all of you, you're doing a tremendous job up there at McKinley Park. If the rest of my colleagues could just go by there sometime and see what's really happening in that area of the City. It's marvelous. So keep on keeping on and doing what you're doing because it is very constructive.

Mr. Ricciardi:

On that note, if I may. I'd just like to thank Giant Eagle here in the City of Pittsburgh for their kind contributions to the program. As I stated also, this body and most of the contributions do come from the volunteers of the Beltzhoover Neighborhood Council and the Beltzhoover neighborhood.

And, as Mr. Darkins stated, and the reason I came back up to the mike, our colleague,

Councilman Duane A. Darkins has been to the program several times with many contributions in terms of food, snacks, papers, pens and material. And I think that needed to be said. So, thank you Councilman Darkins.

And, again, thank you, all of you, because this shows that this is not a government sponsored program, but actually coming from the neighborhood, directed by the neighborhood. All the volunteers are from the neighborhood. As a matter of fact, for the children to participate, either their parents or guardians or friends and adults, must also guarantee that they will volunteer X number of hours in the program.

This is just a great program. The reason I really enjoy it is because it's not just a recreational program; it's a tutoring program. It's for school work and it's really a growth-type of program. And these children have done just a tremendous job, all 169 of them, and I can't speak more highly of this program. Thank you very much for all your hard work.

The Chair presents

No. 3283 WHEREAS, on May 24, 1993, Governor Robert P. Casey named Duquesne University English Professor Dr. Samuel Hazo as the first official State Poet of the Commonwealth of Pennsylvania; and

WHEREAS, Samuel Hazo, who was born in Pittsburgh, graduated magna cum laude from the University of Notre Dame, received his graduate degrees from Duquesne and the University of Pittsburgh, and is also an honorary Phi Beta Kappa member and recipient of five honorary degrees; and

WHEREAS, Dr. Hazo is the author of seventeen books of poetry, three novels, and numerous other works, is the host of the "One Poem at a Time" radio series carried by fifty-one

thanks all of you for that.

Mr. Ricciardi presents

No. 3282 WHEREAS, the Teenage Awareness Program (TAP), created by and under the directorship of Dawn Jones-King, was sponsored by the Beltzhoover Neighborhood Council, under the leadership of Lugenie Beckom Barron, in the spring of 1993; and

WHEREAS, the Teenage Awareness Program was created to be a motivational, inspirational, recreational and social awareness program for youths aged seven through eighteen; and

WHEREAS, the Teenage Awareness Program currently enrolls 169 participants under the supervision of one staff volunteer, eight full time Parent/Adult Volunteers, and ten additional parent volunteers, who each volunteer two hours a week. The Teenage Awareness Program also employs Teenage Co-Counselors who, together with an adult, work with the younger participants; and

WHEREAS, the Teenage Awareness Program operates from 3:30 p.m. to 7:00 p.m. Monday through Friday with the following schedule: 3:30 to 4:30, Snack/Homework Time; 4:30 to 5:30, Programming; 5:30 to 6:30, Recreational Activities; and

WHEREAS, the programming portion of the day's schedule consists of guest speakers presenting such subjects as personal hygiene, self-respect and proper manners, environmental needs and awareness, cooking with safety, babysitting with safety, applicable study habits, preparations for adulthood, sexual awareness, drugs and addictions, and criminal acts and preventions.

NOW, THEREFORE, BE IT

RESOLVED, that the Council of the City of Pittsburgh hereby recognizes and commends the Beltzhoover Neighborhood Council for its commitment to the youth of the City of Pittsburgh and hereby declares Tuesday, September 27, 1993 as "Teenage Awareness Program Day" in the City of Pittsburgh.

Mr. Ricciardi moved to adopt the resolution.

Mr. O'Connor seconded the motion.

Which motion prevailed.

Mr. Ricciardi:

Colleagues, you can see why this resolution here is so important in the City of Pittsburgh, and it's not that we're celebrating a special dinner for the TAP Program, but it was such a big success here in the City of Pittsburgh. And it's addressing something, not just the disease, but sometimes the symptoms of the problems we have in the City of Pittsburgh. It's addressing them where it needs to be addressed, and that's with our youth in the City of Pittsburgh and they've done a tremendous job and I'm just so proud of representing the Beltzhoover neighborhood.

I'd like to ask Jeannie Baron now if she would accept this award. And hopefully Jeannie and others can say a few words. Thank you.

Ms. Baron:

First I'd like to thank you for the resolution and to say on behalf of the children of the Beltzhoover community that we appreciate the support and probably expect more support from you because in order for our children to survive and to grow into productive adults it takes all of us. So, again, thank you.

Mr. Darkins:

I want to applaud all of the Members of Council in joining in as a part of this resolution. That's the way it's supposed to be in this great metropolitan City, that we all come and we all work together.

Today we want to have Mrs. Doris Carson come and she will be receiving this resolution along with Leon Howard, Jr., and other members of the Committee.

Mr. Howard:

I hate to get in front of a microphone because there's a lot of things that we need to talk about. But today, specifically, I want to thank you for being a part of the African Heritage Day Parade Committee because you are an extended part of the Committee. We want to thank each of you and to include Christopher Smith for your contribution. The \$2,000 that we received is needed and it shows that there is a commitment to the City of Pittsburgh.

Our theme is "A Celebration of Services". It does not stop with the parade. As a matter of fact, it begins anew with the parade for services, particularly in the African-American community.

I could go on, but each of you know that we have to continue to be included, to be a part of everything that happens in and around the City of Pittsburgh. More now because there is a tremendous amount of conversation about joining Pittsburgh and Allegheny County together. We have to be cognizant and aware that we are not excluded in the joining. Thank you very much.

The parade is Saturday, October 16th at 10:00 a.m. through the traditional route from the Civic Arena down to the Point and the Reviewing

Committee.

Mr. Cohen:

I want to thank everyone for coming down here and congratulate you all in advance on a parade that I know will be a terrific parade. I look forward to being there.

I want to thank Ms. Carson and Leon W. Howard, Jr. for being down here. There was a time, I think it was four years ago, that Leon and I ran against each other for a certain political office, but that time has long passed because now we work very closely together. He is a true leader of the community and I look forward to continuing to work with him.

The Chair:

Thank you all very much.

Mr. Ricciardi:

I'd like to take this opportunity to ask Jeannie Baron, Lucille Crumby, Dawn Jones-King, and several of our special guests this morning, our youth from the Beltzhoover neighborhood. And we have a surprise visit from a dear friend of mine, Leona Martin. Thank you for coming.

Colleagues, this resolution this morning to me, and I'm sure to you, is a very special resolution. In these Chambers over the last several months, we've been talking about our concerns of the day, and those concerns cannot be addressed unless we deal with the issue of our children and the Beltzhoover Neighborhood Council, especially our TAP Program, Teenage Awareness Program, has become a big success.

And all of you have been very supportive of this program. In the past few months we have a \$500 grant and the Beltzhoover neighborhood

program; and

WHEREAS, the National Council of Jewish Women will hold its Centennial Opening Program meeting on October 14, 1993 and will feature Dr. Ellen Cannon, a nationally known speaker and political commentator for National Public Radio, and will honor Ruth Lieber as its Centennial Award Recipient.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh congratulates and commends the Pittsburgh Section of the National Council of Jewish Women on its 100 years of outstanding service to the Pittsburgh community and Ruth Lieber for her 24 years of outstanding service to the National Council of Jewish Women; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh proclaims Thursday, October 14, 1993, to be "National Council of Jewish Women and Ruth Lieber Day" in the City of Pittsburgh.

Mr. Cohen moved to adopt the resolution.

Mr. Ferlo seconded the motion.

Which motion prevailed.

Mr. Darkins and all Members of Council present

No. 3281 WHEREAS, the Afro-American Heritage Day Parade Association, Inc. continues its tradition as an association dedicated to make all aware that Afro-American citizens are a key to the growth and survival of the City of Pittsburgh; and

WHEREAS, on October 16, 1993, Grand Marshals, President of the Afro-American Heritage Day Parade Association, Inc. Harvey Adams, Jr., and Former Deputy Superintendent

of Pittsburgh Public Schools, Dr. Helen Faison, will lead the seventh Afro-American Heritage Day Parade through Downtown Pittsburgh, as it showcases talents, culture and skills; and

WHEREAS, the Afro-American Heritage Day Parade Association remains a committed team dedicated to community and youth development.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh recognizes Afro-American Heritage Day Parade members: President of the Afro-American Heritage Day Parade Association, Inc., Harvey Adams, Jr., and fifth year Parade Coordinator, Doris Carson; Parade Organization Members: Publicity and Press, Leon W. Howard, Jr. and Lois McDonald; Treasurer: LaVera Brown; Ecumenical Members/Masonic Organization: Reverends Samson Cooper, Leroy Patrick and Duane A. Darkins; Logistics Members: Mayor Robert Pitts, Paul Ingram, Wendell Jackson, Gerri Caldwell, and Lyda Jo Trower; Military: James Williams; Parade Judge Chairman: Judge Walter Little; Development: Charles M. Powell; Parade Announcer: Doris Carson Williams; and Committee Members: Elaine Price and Ray Rucker, as a team who joined together to present the City of Pittsburgh with the seventh Annual Afro-American Heritage Day Parade; and

BE IT FURTHER RESOLVED, that Saturday, October 16, 1993 be declared Afro-American Day in the City of Pittsburgh.

Mr. Darkins moved to adopt the resolution.

Mr. Ferlo seconded the motion.

Which motion prevailed.

MUNICIPAL RECORD

Proceedings of the Council of the City of Pittsburgh

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Tuesday, October 12, 1993

No. 39

Municipal Record

ONE-HUNDRED TWENTY-SEVENTH COUNCIL

JACK WAGNER President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON-WASLER.... Asst. City Clerk

Pittsburgh, PA
Tuesday, October 12, 1993

PRESENT:

MR. COHEN	MR. ONORATO
MR. DARKINS	MR. RICCIARDI
MR. FERLO	MR. SMITH
MICHELLE MADOFF	MR. WAGNER
MR. O'CONNOR	(Pres't)

The Meeting was opened by the recitation of the Pledge of Allegiance to the Flag of the United States of America, and a moment of silent prayer for peace throughout the world.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

The Chair:

Could we have a special moment of silence for Marco DePaolo, a sixth grader from Immaculate Conception School and Church in Bloomfield who passed away. He was a special friend of Council and many people in the City of Pittsburgh.

Thank you.

Mr. Cohen presents

No. 3280 WHEREAS, the Pittsburgh Section of the National Council of Jewish Women is a volunteer organization, inspired by Jewish values, that works through a program of research, education, advocacy and community service, to improve the quality of life for women, children and families, and strives to ensure individual rights and freedoms for all; and

WHEREAS, the Pittsburgh Section of the National Council of Jewish Women has a rich 100 year history, including the establishment of programs that focus on child care and elder care, reproductive rights, education and constitutional rights; and

WHEREAS, the National Council of Jewish Women will begin its second century of service to the community by offering important new services such as Race for the Cure and "CASA", a Court Appointed Special Advocate

And I would suggest just procedurally if we could just give you names and then you ferret out an agenda in terms of a schedule. If we just feed it to you and you set up a day-long agenda.

The Chair:

Let's do that within the next two days, agree on a date, and work on a complete day identified to address this problem only.

Mr. O'Connor:

I like Councilman Onorato's idea of giving them three to four weeks notice, on a Friday, that they can be in here so there's no excuses. They have to not only face us but face the citizens of Pittsburgh who put them in, too, to say what are you going to do about the guns and violence, and what we can do.

The Chair:

All in favor of the motion? Opposed?

WHICH MOTION PREVAILED.

Mr. Cohen moved to approve the Minutes of Tuesday, September 21, 1993.

Mr. Ferlo seconded the motion.

Which motion prevailed.

Mr. Ferlo moved to excuse Michelle Madoff for absence from the meeting.

Mr. Cohen seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Onorato**

Council adjourned.

Thank you.

The Chair:

Good. I'm glad you brought the issue up. I think it needs answered also.

So, there is a motion that really contains two issues, two separate letters to the Legislators and Senators of the Commonwealth of Pennsylvania.

All in favor? Opposed?

WHICH MOTION PREVAILED.

Mr. Onorato:

I don't have a motion or I won't bring it up because I'm going to just go along with Councilman O'Connor's because obviously that request has been in these Chambers several times before to bring either the Legislature or the federal representatives in.

What I would ask, though, this time I think we should draft a letter on Council letterhead with all nine signatures to show that we're unanimously behind this request, as opposed to a general letter from the Clerk's Office. I would love to sign a letter with all nine members because I think the officials will then look down and know that this wasn't something that just came out of a Council Office but that it came from the entire body.

Mr. Ferlo:

Mr. President and Mr. O'Connor, I ask that we have Chief Buford here as well as Mr. Colville, the D.A., as well as the U.S. Attorney, as well as an FBI representative. Then I think we have the various levels of law enforcement where we can talk about what are the legal avenues at our disposal to deal with the terrorism of youth

gang violence in this City.

The Chair:

What if we identify an entire day in the next several weeks and schedule a meeting, a post agenda meeting televised, and we identify portions of the meeting where we solicit and invite people from various areas of government? The federal people, Senators, Congressmen, FBI, DEA, Drug Enforcement Administration. People from the Commonwealth on another portion of the day. People from Allegheny County dealing with Shuman Center. And get our own people from appropriate departments to sit here with us who should know more about some of the particulars. And really devote an entire day to public discussion about identification of responsibilities of all levels of government to address the issue that we're all talking about.

Mr. Onorato:

I would go a step further, Mr. President, and say that if an individual can't make it, I would request that they do not send a representative but send an explanation why they can't make because I'd like to talk to the official this time.

The Chair:

I like that idea. Why don't we put all our heads together, come up with an agreeable date to do that, and work out an agenda and do it within the next three weeks?

Mr. Ferlo:

I think if we had it in the latter part of the week, Thursday or Friday, we will more likely get people from the State and the Federal level in terms of their schedules because, to be fair to them, we want them also voting in D.C. on issues. But I think Thursday or Friday.

with the individuals that are causing the problems.

In Alderdice, the teacher is telling me that out of 1,000 kids, if we get 20 of them out of there, we have a new school. And I'm sure that's everywhere in the City, whether it be Westinghouse, Peabody.

So, I would recommend that we have a post agenda with them, have it televised, and they better show up and at least give us the courtesy of what they're going to do about it.

The Chair:

We have one motion on the floor. Let's deal with one at a time and then we'll get to whatever else.

Mr. Smith:

I call for the vote.

The Chair:

Just to clarify, Councilman Ricciardi, it pertains to sending to the delegation of the Commonwealth of Pennsylvania, the Allegheny County Delegation of Legislators and Senators, a letter indicating that we want the issue of juveniles and how juveniles are treated within the judicial system to be re-evaluated and more harsh than it is today.

Mr. Ferlo:

I'd like that sent to all members of the House and Senate.

The Chair:

That's fine.

Mr. Ricciardi:

If I may, it's that point also but not just the judicial system because, obviously, they just might send back to us and let us know what the process is, but actually is anyone addressing or revisiting the juvenile laws, especially Section 6302 here in the State of Pennsylvania.

That sends a message that we believe that just because you're under 18 years of age, if you commit the violent act, not the sexual act but the violent act of rape, you should be treated as an adult and not just become adjudicated as a juvenile because basically some people are just getting probation. And that's a matter of record.

Mr. Cohen:

On the same issue. I wonder, Councilman Ricciardi, if you would accept a friendly amendment. I don't want to in any way diffuse your issue but if we could also ask them whether they're examining the current gun laws. I don't want to put anybody on the spot here either, but just examining those laws to see if they could be changed or strengthened as well. Would you agree to have a friendly amendment?

Mr. Ricciardi:

Yes, I'll accept that as a friendly amendment. And I'd just like to ask one qualifier; if we could have it in two separate letters. Sometimes the death penalty and the issue of guns, people try to stay away from it. So, I don't want them to stay away from the initial legislation. So let's accept them as a friendly amendment but we'll make it two separate letters.

Mr. Cohen:

That's fine with me. I understand that people try to stay away from that issue but we can't let them stay away from that issue any longer.

school, they said that when they were suspended, the whole atmosphere of that school changed. It was for the better. Everybody from the teachers to the students all enjoyed coming to school. It was an atmosphere that they hadn't seen in years.

Now, these thugs who also by the way have records going back to Reizenstein where they were troublemakers there, when they came back after the lawyer insisted they come back and they put them back in on Friday, this teacher told me that the whole atmosphere of the school changed back to the negative.

Again, 30 kids may not be all bad but I'm sure at least 20 of them, known thugs, they've had terrible records, now they're mixed back in with the students, the overall body, and they're hurting the whole school.

I'd like to support this principal and send a message to our School Board. I understand they were going to stop suspensions because they were worried about racial problems, and I think the people they're hurting the most are the minorities going to those schools. And they have to make sure that the thugs get out of the schools and they put them in an alternative education to rehabilitate them. I'm not saying we send them to prison or we send them home, but we have to find alternatives for them to move over. It's amazing in Squirrel Hill with a bunch of lawyers, they're all asking me now, where are our civil liberties? The 98, 99 percent of us who want our kids to go to a safe school atmosphere? We want our liberties protected and not the 1 or 2 percent that are hurting everybody.

And now you're telling me, and I wasn't aware of what Mr. Ricciardi brought up, that they're terrorizing police officers' kids. Next it will be our kids. In Israel they know how to deal with terrorists, and these punks are terrorists, and I think we better do something about it.

That leads me to what we're talking about. Yesterday we called the representatives from the federal government to be here. We had a post agenda. We had it televised and we were going to request money and support for not only police but social programs. I think for one time Council was all on the same page. They didn't show up! Wofford, Specter and Coyne didn't show up. They were told two weeks ago. And I was going to invite other people, I was going to invite Santorum but, out of respect for Wofford, I didn't. He was going to come. The next meeting I have, I'm going to invite Santorum and any other person in Western Pennsylvania, whether it be Democrat or Republican, will be here because they want to help. They didn't come this time.

But I think, Jim, you brought a good point up in getting together, but why don't we call the representatives from the FBI, the U.S. Attorney General, and see if their butts will come in here in person. There's no brain surgery here. We all know the problem. We don't need commissions and commissions. It's getting ridiculous. Just bring them in as soon as possible, televise it, and some of our state people in Harrisburg.

We meet the people every day. I've seen Senators and even Representatives, when they walk in the room everybody is in awe. When we walk in the room, we hear what the neighborhoods have to say. Nobody is in awe. They say, "You guys better do something about what's going on in the streets." That's all we hear about.

Our hands are tied. Everybody on this Council since I've been here, all we've talked about is police and how to help. Why don't we generally ask and demand that they come in person with the Representatives from Harrisburg and anybody else that's affiliated with it. The people that can do something about it. We know the answers. Everybody knows the answers. How to put more police on the street, what to do

I'd like to know why the Federal government doesn't get involved within the City. They saw in the 30' and 40's, be it an Italian Mafia, an Irish Mafia, whatever organized crime there might be, the Federal Agents were always involved in breaking up these gangs. We have the same thing today. They call them gangs, but for some reason they don't classify that as high as a term like a Mafia. But they're all the same thing. It's a minority group of individuals that ruin it for the rest, they're out of control and they are definitely gaining power. And the only way you can solve this is on a national basis with the national resources that Councilman Ferlo made reference to.

Now that we're having a new Assistant Attorney in this area, he should send a strong signal and we shouldn't wait just because there's a carjacking or a car shooting at a suburban mall that we bring in the Federal government. We've been dealing with this for two years now and hands off of the City. For some reason that's your problem. Nobody wants to get involved. Well, this is a federal problem. We've got organized crime in the City of Pittsburgh right now disguised behind the word "gang".

I would like to send a letter from this Chamber to the new Assistant U.S. Attorney asking him to get in and use whatever federal laws we have, be it RICO or whatever else he wants to use, to use the Federal Agents. It's time that we get some of those resources.

Dealing with the issue of the State Legislature, I'm just so frustrated right now because I just can't believe with the urban centers that we have in this state, Philadelphia, Pittsburgh, Erie, Wilkes-Barre, Scranton, that nothing has come out of the Legislature to actually address this issue because it's definitely not unique to Pittsburgh.

I hope that something comes out of here, either at the request of Councilman Ricciardi, they respond, or we have that town meeting that Councilman Ferlo is requesting. I know we've been requesting this type of information for the last month in this Chamber and it is getting frustrating. So, hopefully, something shakes loose because, as I go home to my district, and it's in every district in this City, as each one of us go home and we read the headlines, you know, it's easy for the media to pick up on some of the problems on one hand and say, "What is City Council doing?" to get lost in the actual argument of "What's everybody doing?" And I think it's a disgrace that the local FBI Office and the Assistant U.S. Attorney's Office has not gotten involved. And I think it's very hypocritical that as soon as it crossed our border and went to a suburban mall, boom, we have every reason to get involved now. That's a disgrace to everybody who lives in this City and I think we should be ashamed. And the federal government should be ashamed also.

The Chair:

We're still talking about Councilman Ricciardi's motion, but obviously we've expanded, and I think everyone is in agreement that that's okay.

Mr. O'Connor:

Actually, I was going to talk today about what happened at Taylor Alderdice a couple weeks ago where 20 or 30 kids had a fight. The new principal stood up and suspended all of them, ranging from 3 to 20 days. Now, naturally, a lawyer found a technicality that they're coming back in.

I was at a soccer match, my son plays soccer, and some of the teachers were there and came over to tell me what's going on. And I'm only talking 20 or 30 out of almost 900 kids in the

up. But I think if we billed this as a State-wide activity where we have a town meeting in these Chambers and Harrisburg and Philadelphia simultaneously cablecast and really focus in on the issue, I think we could really begin, like I say, to put some pressure where it needs to happen. Otherwise, we're going to spend another couple of years on this Council in a very frustrated fashion without feeling like we're making a dent. We're the ones that have to deal with it.

Unfortunately, I don't know if we're up to 88 or 89 today, it's hard to keep track when you open up the morning newspaper how many homicides this year. And if you analyze those homicides as others have spoken, certainly Dr. Perper, they're homicides most afflicting a particular community. That's unacceptable and I think we have to escalate our advocacy.

I would like to throw that out as an idea and maybe amongst ourselves we can begin to talk about uniting with others around the State who are also feeling the same frustration and sense of helplessness that this body is feeling.

Mr. Cohen:

I want to commend Councilman Ricciardi for bringing this issue up again. There's one aspect of this that hasn't been discussed yet this morning, and that is the sheer volume of guns on our streets today.

Councilman Ricciardi, I think, in some ways was kind in saying that the Legislature and Congress have not affirmatively helped us in this problem, the problem of a Public Safety crisis in this City. But in some areas, they have actually affirmatively denied us the ability to take action to do something to solve this crisis, and one of those areas is the area of guns.

The State Legislature in Harrisburg has pre-empted, that's the legal term. But what it

really means is denied us the ability to have any significant legislation to try to get guns off of our streets. We're not talking about sports people, we're not talking about hunting here. I mean even semi-automatic weapons. AK-47's. Because of Harrisburg, because of the State Legislature, we're not allowed to introduce a bill that would even take semi-automatic weapons off of our streets. And the United States Congress out there in Washington has been debating for the last several years the Brady Bill. Ever since Jim Brady, President Regan's Press Secretary, got shot that day of the attempted assassination, and all that bill says is that you have to wait five days to register.

So, we have our hands tied by two higher levels of government, and I think that we need to bring them out of their cocoons and shed some light on the problem and try to get them to step up to their responsibilities. The fact is, there are too, too, too many guns on the streets of the City of Pittsburgh. Those guns are responsible for those 88, 89 deaths, and we have to do something about it. And the only way that we can do it is by getting the State Legislature and the United States Congress to help us.

Mr. Onorato:

I'd just like to follow up on some of the comments, Mr. President.

What's really disturbing and depressing is that this is becoming a weekly conversation in these Chambers, and yet our hands are tied.

But a few weeks ago, I know Councilman Ferlo mentioned the FBI and the U.S. Attorney's Office and I sort of thought that he was a little off base there. But what happened at Ross Park Mall showed me how hypocritical our agencies are. That is, they disguised that as a carjacking; therefore the Federal government was allowed to get involved.

probably a million dollars being spent by the FBI and the Grand Jury on this ticket issue with some of the judges in the Court of Common Pleas. Again, I just don't think that's the priority right now that we need their federal and state resources.

And where are these other individuals? As Mr. Onorato always eloquently states, we are in the lead on this City Council but we have limited powers and we have limited capability of doing certain things. Our cry is to these individuals, the FBI, the U.S. Attorney, Mr. Colville at the D.A. level. Why hasn't a Grand Jury been convened? Why aren't names of these young people being ferreted out and prosecuted in terms of their drug activity and their conspiracy, on the violence activity in terms of transmitting of guns, and coordinating ahead of time and conspiring to go out into certain neighborhoods?

What we see in this City is to a large extent, especially within the African-American community, is a pattern of genocide against African-American males. It's not certainly the genocide on the scale and the horrific scale of genocide when we talk about it in the 40's in Germany, but it's certainly genocidal in terms of its nature of scaring and decimating the fabric of a whole community in this City.

What do we need to have happen in this City before the appropriate bodies at the state level and the appropriate law enforcement entities act? I can't believe the lackadaisical attitude of these individuals.

And, as I said, I'm not going to condone any ticket fixing activity, but how you can compare by way of a priority the amount of resources by the FBI and the U.S. Attorney, millions of dollars spent on a year and a half investigation with Judge Scheib compared to the dire need for them to be working right now on

bringing forward the 200 or 300 problem young people in this City that are terrorizing this City, that are creating the carnage that we have on our streets especially within the African American lower income communities in this City, I think should be unacceptable.

I'd like to make one other suggestion. What about possibly some technical and financial resources? I think part of our problem in this whole battle is we are isolated not by other communities who are also feeling this activity; Philadelphia and other major cities around the state are certainly feeling the same thing we are. In fact, they've felt it for a much longer period of time. I think, unfortunately, we're somewhat isolated in that most of the Legislature represented by State Senators and State Reps who come from smaller communities that have not yet really felt the brunt of what we are facing here in the urban areas of Pittsburgh and Philadelphia. We have a televised Council Chambers. Philadelphia, I believe, has a televised Council Chambers along with Harrisburg.

I'd like to suggest that we allocate a small amount of money and meet with our Cable Bureau technical folks along with TCI who has satellite capabilities, and we convene maybe a commonwealth town meeting or we convene in these Chambers Youth Commission advocates and folks from law enforcement and we have a simultaneous cablecast in Harrisburg and possibly Philadelphia. And just have it be a town meeting on this whole issue of juvenile violence and what is the State Legislature and the Governor and the law enforcement officials doing. I think we have to move out of our isolated mode here in the City and try to join some forces around the State.

I would like to work on that but it may involve a few thousand dollars and some resources that are needed for the satellite hook

offender and it talks about to be categorized as a dangerous juvenile offender. It talks about 15 years of age or older and it talks about things as aggravated assault, something that these two families experienced. It talks about things as rape. Just being an offense under a dangerous juvenile offender.

We all know the difference of being tried as an adult and as a child. We all know the difference between the facility that you're housed at, either as an adult or a child, and we all know that the punishment that can be given to either the difference between an adult and as a child.

These gang members are terrorizing our neighborhood. They're terrorizing our residents and our taxpayers. And, as we've all stated, and this is not a Gene Ricciardi issue because everyone at this table has talked about it for years, that is the State Representatives and the State Senators must really address our juvenile laws here in the State of Pennsylvania because we are unable to change this legislation.

The legislation must read, my God, if someone is severely beaten, that person, that terrorist must be treated as an adult and must receive harsh penalties, not just a simple slap, a simple three months at a holding cell at Juvenile Court, and then possibly probation. That person must be severely punished.

In my office I just happen to have Webster's Ninth New Collegiate Dictionary and the definition of a child is basically, "an unborn or recently born person; a young person between infancy and youth; a person not yet of age". Well, these people definitely had age and that age is what they're doing to our neighborhoods and what they're doing to our residents.

Once again, this time in the form of a motion, I would like to ask our County Delegation, the State Representatives and the

Senators from Allegheny County, are they or is any other one of their colleagues addressing the issues of revamping the Juvenile Crime Laws throughout the State of Pennsylvania. And, if so, what direction are they heading in?

I think we're basically sending a message that we believe there needs to be changes and are they working on them or is anyone else working on them.

Mr. Smith seconded the motion.

Mr. Ferlo:

Mr. Ricciardi rightfully is picking up on a discussion that he initiated a couple of weeks ago in these Chambers, and I concur with him wholeheartedly. But again I think we have to look broader.

He does raise, legitimately, the issue about giving judges the power to try juveniles as adults. That needs to happen very quickly.

He reiterated a week or so ago the concern of Senator Fisher on the introduction of his bill in relation to individual young people riding along in the vehicle who may or may not themselves use the gun but should be tried and be part of the criminal complaint and tried as adults and tried for using a weapon as far as homicide. In fact, that really is part of the issue that has now come up with the individual family from Squirrel Hill that was victimized in the North Hills.

But again, I think we have to focus on pressure on the FBI, on the U.S. Attorney's Office, and on the D.A. locally. There has not been a Grand Jury convened to my knowledge in relation to putting pressure and beginning to file legal action against gang leaders and individuals in this City.

I spoke a couple weeks ago about

So, it's really a good sign when we try to bring jobs back to the City. Congressman Coyne was very helpful, State Representatives as well as City. So, it was a joint effort and I just wanted to applaud them for their work. It was turned over yesterday to us.

Mr. Ricciardi:

I have three issues. First of all, I'd like to thank Councilmembers Dan Cohen and Duane Darkins who attended Brashear Association's Annual Dinner in the Arlington neighborhood of the City of Pittsburgh. Brashear Association is a social service agency and I thank you for their attendance.

Also, I'd like to thank Councilmembers Smith and Cohen, and representatives from Ferlo and O'Connor's office for sending representatives to our Brew House Tour which occurred yesterday. We have another tour coming up this Friday and, as people know, I try to be punctual and stay within a time frame. The tour was just one hour and we were able to get back. I think it was very productive and very fruitful in terms of looking at the building and reviewing it.

On another issue, and I'll be very brief, I urge all my colleagues to read the front page of the Tribune Review. An article says, "For Officer, Gang Terror Hits Home". In summary, the article talks about tragedy striking families of two of our officers; one a Lieutenant and one a Sergeant. In the families, both of their children were viciously beaten.

The article points something out. There's comments from both officers. One officer, the Lieutenant, and I understand her feeling because she's reacting as a good mother and that's protecting her son. She has decided to ask the police officials not to continue the investigation

and not to pursue the actors.

The Sergeant whose one son was severely beaten had stated that if he had to do it over again, that he really questions if he would have pursued the actors.

The reason for this is fear. Fear of violence and fear of retaliation.

We often talk about gangs and what's behind gangs and sometimes there's a way to describe them. People talk about gangs maybe being an extended family. But I think we really have to set the record straight. These are terrorists. These gang members now are terrorizing the neighborhoods. They're terrorizing the families. And they're even terrorizing families that have members in our police force. And if they're able to scare police officers, mothers and fathers, from pursuing legal action, or from pursuing investigation, people that are trained in police work, what does that have to say with just the average person in the City of Pittsburgh? I have a real concern.

Let me just point out, and as always when it comes to sensitive subjects or things that really need to be researched, I never ask for a vote, but in researching Section 6302 and some following sections of the Pennsylvania Crime Code dealing with juvenile offenses, we really have a problem here. The problem if you take, for example, Shuman Center where we have 130 kids out there, now 23 are suspected of murder, where we have dozens that are suspected of rape. And these are people that have not been adjudicated yet; that's just a holding cell.

If you really look at the definitions of a child, and I would just read a few, it's "under the age of 18 years", "under the age of 21 years who committed an act of delinquency before reaching the age of 18 years old." And if you go on, the definitions break down to dangerous juvenile

amendment. But, what we need during those deliberations is to know where the young people are now, meaning that you can't just say we're all going to make one recommendation from our district. I'm going to exaggerate the point; say 11 are from a certain district, if they were all from my district. Well, there's no reason for me to get another appointment and everyone else to get one more.

So I hope people see what I'm saying during these deliberations. We must know on a map from what neighborhood these young people come from, where they live. Because if no one is from south or southwest of the rivers, I'm not sure if Michelle Madoff, Jack Wagner and Gene Ricciardi will be please with just three members.

So, respectfully, colleagues, I hope you take that into consideration.

Mr. Ferlo:

I thought of that, just to not put in the wording that the person has to be from the district, but just put in the wording that the person is nominated from the Councilmember. And I'll pledge to my colleagues south, north and west of the rivers that if there are too many people from within the rivers that I represent, I will pass on a nominee and allow somebody from Mr. Ricciardi or Mr. Wagner to suggest an individual.

Let's try to just get over the hump and balance out the Commission and move on with this.

The Chair:

All in favor? Opposed?

WHICH MOTION PREVAILED.

Mr. Onorato:

I'd like to remind my colleagues, it was passed around at the beginning of the meeting, a post agenda is today at the request of some individuals that are in the Senior Advocacy group from the North Side. They approached me a month or so ago to ask if they could present some issues to Council. So, today after this meeting, we'll hold a post agenda to hear their concerns. I know a lot of them are in the audience but it's more of a discussion atmosphere to find out exactly what they want to talk about.

So, I would appreciate it if everyone here could stay around for awhile after the meeting.

Mr. O'Connor:

I'd like to make a motion that we televise Thursday's public hearing on the Zoo privatization.

Mr. Onorato seconded the motion.

Which motion prevailed.

Mr. O'Connor:

I just want to briefly thank all those involved. Yesterday, the Army turned over in the 31st Ward a former ammunitions plant that was built 50 years ago for the war and has been shut down for quite a few years at a heavy cost to taxpayers. They sold it to the City in the 31st Ward and the Steel Valley Authority for \$1.00 and our plans are that we're looking into possibly making it, in conjunction with URA, a sound stage. As high as three sound stages can be built in this facility and with the growth of the film industry here, I think it would be a real plus. And if, for whatever reason, that didn't go through, we're looking into Mag-Lev, we're looking into testing grounds to build them there and to test them there.

swearing in and the people were not confirmed by this body. So it really puts an embarrassing situation on everyone here, and I don't want these people embarrassed so obviously I'm going to vote on it today. I hope, though, that this is not a precedent. And from now to the end of Mayor Masloff's Administration, I will accept no other nominations just because they were sworn in. I hope I make that very clear to my distinguished colleagues here today.

Mr. Ferlo:

On this one I wouldn't really blame the Mayor, quite frankly. I think she sincerely believes that the Youth Commission makes a contribution. But, quite frankly, she has staff people who just do not know how to read legislation, do not know how to participate with this Council in a planning process. So on this one I wouldn't really blame Sophie.

The Chair:

But the point brought up that this does not reflect geographical representation of this City is a valid one.

Mr. Ferlo:

It would have, had there been a collaborative process, which we asked for.

Mr. Cohen:

I think the course suggested makes sense. If you recall, we had a post agenda meeting in May, early May of this year, trying to find out why the Youth Commission hadn't been appointed yet. And we asked that that Commission be appointed by the end of May. It is now October the 5th and we're finally getting these appointments before Council.

So, I think it would be a mistake for us to

hold this up because the Youth Commission is a key component in working to solve the Public Safety crisis here. But I think it makes sense for us to move ahead with these appointments and enlarge the Youth Commission so that we can have geographical representation beyond this. That should be a two-step process.

Mr. Darkins:

I think we should move on this today. The next Mayor of the City of Pittsburgh can make some more appointments. He can always add to the appointments as deemed necessary. I think that Mayor Sophie Masloff has done what she did and we're not here to make light of that. So let's vote on this.

The Chair:

I would just like to add that I'm not ready to relinquish my responsibilities to the next Mayor or the next Councilmembers.

The point made by Councilman Ricciardi is a valid one. This list does not include geographical representation of this City, and particularly south and west of the river. And I know that's what Mr. Ricciardi is referring to. And let me remind everyone, that's one-third of the City. And if the youth are going to be treated fairly, they better be represented fairly. And they're not according to this list.

So, I'll vote for this but I would like an agreement that we ask Mr. Perry or the Clerk's Office, working with Councilman Ferlo who is one of the people that sponsored this legislation originally, to develop an amendment that assures us of geographical representation.

Mr. Ricciardi:

I'll accept the amendment and I'm sure we're going to have discussion on the

get on with its work. I would like to just offer a suggestion that the Commission members expire at the end of this year and that the next Administration work with this Council on the appointment of the next Youth Commission.

One suggestion, since the Mayor has already, in fact, sworn individuals in, I believe, and Mr. O'Connor can speak to this because he's a member of the Commission, they've already started the meeting process. One possibility is that we just have the terms expire at the end of the year and deal with it next January.

Mr. Ricciardi:

Point of Procedure on that. Does the legislation say that the terms do expire December 31, 1993?

The Chair:

No. It says August, 1995.

Mr. O'Connor:

I can address this to Council at large or Councilman Ferlo. Is it possible to add on, whether it be one member or two members from each district, to what we already have? That way we have a nucleus there. But I agree with you that maybe the base should be broader.

And to answer what Mr. Ricciardi brought up, can we add another 9 or 18 youth? I don't think it has to be adults. It's a Youth Commission.

Mr. Ferlo:

I would suggest then that we just approve these nominees. And, again, many of the people, and all of the people that the Mayor has appointed are excellent and they'll make a contribution to the Commission. I think many of us wanted some

other individuals on there that have a track record of working on youth concerns.

Mr. O'Connor's suggestion is a good one, and that is that we can amend the legislation next week. It will take longer but we can amend the bill to just add another nine individuals, one youth appointed from each Council District. I would suggest that Mr. O'Connor's proposal is a good way to move on and get on with the business at hand. I don't think we should be fighting with the Administration about the appointments at this point.

The Chair:

Has any member of Council recommended anyone on this list? I haven't.

Mr. Ferlo:

Mr. President, I'd like to make a motion that we accept today the nominees and the appointments, but I'll work with Mr. O'Connor in drafting an amendment to the Youth Commission bill. Again, once that's introduced, it would have to wait 30 days for a response from the Administration. But between now and the end of the year we could achieve Mr. O'Connor's suggestion of one additional youth representative appointed by a Councilmember.

The Chair:

Does any Councilmember have a problem with that?

Mr. Ricciardi:

I'm willing to move on this because I think there's important business at hand and I'm sure every person on there is a very good individual and a very credible individual. But hopefully my colleagues do share my concern that Mayor Masloff in her final days had a

Mr. Ricciardi:

Mr. President, I requested information from the Mayor's Office through a memorandum asking which of the 29 appointments are young people. Does anyone at this table have that information and can pinpoint that?

Mr. Perry:

Approximately half of them.

Mr. Ricciardi:

Do you have the names?

Mr. Perry:

I have the names but not their ages.

Mr. Ricciardi:

I have their names also. Obviously, I don't want to hold up the appointments. It's my understanding that they've been sworn in by the Mayor. Let me ask, if they have been sworn in by the Mayor, are they really members of the Youth Commission if not confirmed by this body? What does the legislation say?

Mr. Perry:

They have to be confirmed by this body.

Mr. Ricciardi:

I would hope that my information that I requested from the Mayor's Office is responded to before we vote on this. My question, obviously, is that I like to see all parts of the City served by young people on this Youth Commission. I was unaware of any young people south of the river and I couldn't locate anyone by zip code.

Mr. Smith:

How about the Hill District?

Mr. Ricciardi:

Absolutely. Mr. Smith brings up his neighborhood. Obviously I'm talking about south of the river because I represent District 3.

Does anyone feel uncomfortable if we hold this for one week?

Mr. Ferlo:

Just one suggestion. First of all, I'm not pleased at all with the appointments. There are many wonderful people that the Mayor has appointed. I don't criticize the individuals and I applaud their initiative in wanting to serve on the Commission.

The Administration, obviously, for more than a year and a half has dragged their feet on this whole notion of the Youth Advocacy Commission. They haven't really wanted to support the thing in the first place. The Administrative staff supporting the Commission has been an abomination. The hope was that Councilmembers would be consulted, each and every Councilmember, to help provide some input and names from our district on young people. There are many young people who have voiced concerns about wanting to be on the Commission who, quite frankly, are on the front lines out there in the streets working on youth gang intervention and a host of other problems that hopefully the Youth Commission will try to address. Unfortunately, some of those young people are not on the Commission and I think the breadth of the Commission is lacking in terms of its experience.

At this point, though, I would suggest that we move it up and down and let the Commission

Official Sewage Facilities Plan for the Doughboy Square Plan of Lots."

Which was read.

Also,

Bill No. 3183

A Resolution entitled, "Resolution adopting Official Sewage Facilities Plan for the University Center, Carnegie Mellon University."

Which was read.

Also,

Bill No. 3184

A Resolution entitled, "Resolution adopting Official Sewage Facilities Plan for the Fox Way Commons Plan of Lots."

Which was read:

Also,

Bill No. 3185

A Resolution entitled, "Resolution adopting Official Sewage Facilities Plan CCAC Allegheny Campus Student Service Center."

Which was read.

Also,

Bill No. 3186

A Resolution entitled, "Resolution adopting Official Sewage Facilities Plan for SMS Office Building."

Which was read.

Also,

Bill No. 3187

A Resolution entitled, "Resolution adopting Official Sewage Facilities Plan for Hot N' Now Restaurant."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

The Chair presents

No. 3259 Resolution appointing twenty-nine members to the Youth Advocacy Commission for a term to expire August, 1995.

Which was read.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Ricciardi presented

Bill No. 3250

Report of the Committee on Engineering and Construction for September 29, 1993 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3179

A Resolution entitled, "Resolution providing for the filing of an application or applications by the City of Pittsburgh with the Commonwealth of Pennsylvania, Department of Community Affairs, for a grant in connection with the Rehabilitation of South Side Riverfront Park Project; providing for the execution of a Grant

contract and for the filing requisitions and other data; approving the Rehabilitation, providing for required assurances; providing for the execution of payment vouchers on Letter of Credit; providing for the certification of authorized signatures; and for the deposit of funds into Unrestricted Cash."

Which was read.

Also,

Bill No. 3180

A Resolution entitled, "Resolution amending Resolution No. 1230, effective December 2, 1992, entitled 'Providing for a Contract or Contracts, or use of existing Contracts for the purchase and installation of Traffic Signals on Grant Street; providing for a Reimbursement Agreement or Agreements with the Commonwealth of Pennsylvania, Department of Transportation; and providing for the payment of the cost thereof,' by amending the title to include Construction Inspection Services, and by amending Section 3 (providing for the deposit of Reimbursements)."

Which was read.

Also,

Bill No. 3181

A Resolution entitled, "Resolution adopting Official Sewage Facilities Plan for the Loendi Landing Plan of Lots."

Which was read.

Also,

Bill No. 3182

A Resolution entitled, "Resolution adopting

and to bring their children down here for the season and it will be a safe environment and I want to thank the Commissioners for working with us and hopefully we will all support it.

(END OF COMMENTS)

PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

(BEGINNING - MR. O'CONNOR'S COMMENTS ON BILL NO. 3212,
WEDNESDAY, SEPTEMBER 29, 1993)

Mr. O'Connor:

Very briefly I want to thank the Commissioners. I talked to all three of them. Coming up with an idea is easy but implementing it is a little harder. We had been talking about horses and police Downtown for over a year. What I thought about was why not borrow them from the County instead of going into a major investment. So what Superintendent Kroner really worked hard with us and what we've developed is they will lend us the horses and the patrol officers four to five officers a day, six days a week to be available in our Downtown and the main thing is the high presence and we did it for the shopping season so they will be here for the six weeks before Light Up Night and we're shooting for November 8 to have them down there everyday. The only problems is that they will have problems around high traffic when there is a lot of cars and rush hour traffic but the key would be the high presence and if it's successful then we would go into it ourselves as far as buying, purchasing, training, hiring our police officers to do it in the future so it's a good test and it might be the greatest thing since sliced bread or it may not work. I feel it will work though because I think people feel good about seeing police officers and that is a key detriment to crime and I understand it's working very well in Wilkinsburg and their business corridor has improved a lot. These police officers will have radios that they would be in constant contact with our police officers if they see any problems but the sight of them is the main purpose of it and I've been questioned what we would do especially for the neighborhoods. Now if it works these police officers could be assigned anywhere, high traffic, high visibility areas whether it be Oakland, neighborhoods, functions, crowd control and also we're going to look if it works, the major expense was holding us back was the building stables, locations, etc. but since our talk started and I want to make sure Councilman Smith this is his district and he's been very helpful and he's been in the meetings with myself and Councilman Onorato that it came up and we could possibly share the South Park facility with the County and that way it would save us enormous up-front costs. So if it's successful I think it's a good working relationship with the County and it's a good first step and hopefully it shows a positive effort for our Golden Triangle.

Again, I haven't heard one negative yet because mainly people were saying this is the hub of our region and I think we have to start there and protect that and if you've lived in Pittsburgh long, a few years ago there were lines and you couldn't get a parking spot Downtown when Gimbels and Hornes and Kaufmanns were busy and I think it will also help a lot of inner-city people because their only place to shop is Downtown

Ayes:

Mr. Cohen
Mr. Ferlo
Mr. Onorato

Mr. Ricciardi
Mr. Smith

AYES 5

NOES 3

(MR. DARKINS, MR. O'CONNOR AND MR. WAGNER VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3211

A Resolution entitled, "Resolution authorizing the Director of Finance to accept title to the properties located on Haverhill Street in the 13th Ward of the City of Pittsburgh, in coordination with the efforts of the Urban Redevelopment Authority of Pittsburgh."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen
Mr. Darkins
Mr. Ferlo
Mr. O'Connor

Mr. Onorato
Mr. Ricciardi
Mr. Smith
Mr. Wagner
(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Onorato presented

Bill No. 3249

Report of the Committee on Public Safety for September 29, 1993 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3212

A Resolution entitled, "Resolution authorizing a Cooperative Agreement or Agreements with the County of Allegheny implementing and coordinating Allegheny County Police horse mounted patrols operating within the Golden Triangle, from November through December of 1993." --- (SPONSORED BY MR. O'CONNOR, MR. ONORATO & MR. SMITH)

Which was read.

Mr. O'Connor:

I'd like my remarks brought forward on that bill.

(REMARKS ON FOLLOWING PAGES)

Mr. O'Connor:

I'll be voting no but I also feel that there should be more movement and working together with the billboard industry, that both parties, both sides, can resolve their dispute. I wish it could be a little longer and possibly bring them together to benefit the City and the industry. Therefore, I'm voting no on this issue.

Mr. Darkins:

I have always been in favor of advertisement. I have always looked at signs, has a tendency to captivate people, and I'm commending the people from Martin Media and any of the rest of the media in town. I have to stay with my convictions and I'm voting no.

The Chair:

I'd like to make a brief comment. It doesn't sound as if there's much in the way of comments, but I'm voting no on 1178. I know I offered several amendments last week in regard to the bill, amendments that I felt were reasonable compromises in regard to legislation, amendments that were not as much as the industry wanted last week. However, those amendments did not pass and it would be fruitless to offer them again today because I'm sure they would not pass again today.

In my opinion, the billboard industry is taking a big negative hit with the passage of this legislation. The majority of people here today in the Council Chambers are here for this piece of legislation. There has been a lot of lobbying in regard to this legislation for it and against it. There would not be as much lobbying as there is today and has been in the past if the legislation was not significant legislation. It is significant legislation in regard to that industry.

I don't think that billboards have

negatively impacted this City the way some people think. True, in certain areas, they can be blight where there's too many of them, but I don't know of one business or one resident that has moved from the City because of billboards.

It is a piece of legislation in front of us that really is, I think, more of a deterrent to that industry than it needs to be. I said Wednesday that on a scale of 1 to 50 in terms of issues facing this City, this issue is 50th in my opinion. And it has caused a whole lot of time by this Council. In my 9-1/2 years, at least five public hearings.

There have been changes. The changes in front of us today are also significant changes and it does mean jobs, and it does mean business to this City. I don't know the precise numbers. There has been numbers thrown around in terms of numbers of jobs and what it means to the business community.

But I do know that this industry has bent over backwards to help people in this City. I don't see that with all industries. And they continually help non-profit agencies in this City. They continually promote this City. They continually do what they can do to make the City better at the same time with less numbers of billboards in the City. And I think that is significant in terms of an industry that wants to work with this government.

And, again, I think the legislation is too harsh. I would prefer to see more compromise but I don't think that's going to occur.

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

safety protecting our neighborhoods and developing our riverfronts but there is one other item that the future of Pittsburgh means and that is an attractive city and we have an enormously beautiful city and I don't think we should do anything to take away from that scenic beauty and I think that this is a responsible way to proceed.

Any other discussion?

ROLL CALL

AYES 5 NOES 3

(END OF COMMENTS)

PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

think that the bill in front of us, the reason that I can support it now is that the "C3" and the "C4" has been put back, the size area has been changed for what I wanted before I originally supported Councilman Ferlo's original bill. There have been changes made and I think a few more have to be made. We've come this far and I refuse to throw this whole thing back and throw my hands up in the air and say that this was all for not. I think that this is the first stage of the process, I don't think it's over and I would ask that everyone here keep these amendments very close and keep them up for discussion at the next legislative body.

Mr. Ricciardi:

I respect Mr. Wagner's position and some comments by Mr. O'Connor and I can talk in the generalities and concept but I look towards the Becks Run neighborhood that all businesses and industries need to be controlled to a certain extent in order to protect the neighborhoods and in the Becks Run community if you ask those fine people down there, they are minus 300 thick beautiful trees and now it sort of like taking a ride through the yellow pages. So I believe that we must look towards the small neighborhood in order to understand the bigger picture when we're describing in generalities in terms of either our support or opposition to the bill itself. Thank you.

The Chair:

I support this bill and have been supportive of the legislation from the beginning of the process.

As I said before the bill has been watered down somewhat but I think the two misconceptions need to be dispelled from my point of view. One is that this does not require that any current billboards be taken down. That needs to be repeated. It does not require that any current billboard be taken down. It only places restrictions on future billboards and any reduction in billboards in the past that had been reduced has not been because of regulation. There has been no regulation so that wasn't the reason. The reason is of course changes in the industry. In fact, there are 1400 billboards right now and many of them have been put up since this legislation has been introduced.

I also don't believe that this is going to cost jobs. If I believed that were the case I wouldn't vote for this bill. The billboards that exist now will exist after this bill is passed if it does pass. The painters, the workers who put up the ads, the maintenance workers, will all still have their jobs because no current billboards will need to be taken down.

On a broader level when we talk about the future of Pittsburgh, we talk about more jobs and business, more public

Mr. Ferlo:

Point of order. Is there some confusion?

Mr. Brown:

I don't believe we voted on the substitute bill we had.

Mr. Ferlo:

When I moved my initial bill No. 1178, I then moved by substitution the Planning Department's report and recommendation which was the subject of the public hearing. We then voted down amendments and now we're voting on the final bill which came from the Planning Commission as amended.

Mr. Wagner:

On process we voted without a roll call on the substitution bill so that's where there may be some confusion here but we have had two votes on the bill so far.

I think the bill in front of us getting back goes too far in terms of what it does to this industry in the City of Pittsburgh. The issue has been in front of this government for a long time and I suspect it's not over today or next week even if the bill votes in the affirmative stage and the final legislation is passed. There has to be some sensitivity to the industry that exists and I believe this bill goes too far. I have stated that and I have listened to people around this city for years and on the list of priorities of 1 to 50, the billboards is 50th and there is no doubt in my mind about that. Not only that, I have seen an industry that has bent over backward to try and work with various nonprofit entities throughout the city and the list is as long as every one of our arms and you can look at other industries in this city and they have not put forth the same kind of cooperative effort. Again, I think they have done everything reasonable possible to try to work to reduce the height and where billboards are located and I believe the compromise is a fair compromise. Therefore I would suggest that the legislation goes too far and I would hope that it does not have the five votes that are necessary for final passage.

Mr. Onorato:

As I stated earlier I'd like to repeat briefly. Do I think this is a perfect bill in front of us? No. Do I think parts of it goes too far? Probably because I believe in these amendments. However, I'm willing at this point to pass this bill and vote for this bill the way it is but I'm saving these amendments and these amendments can be addressed early next year and discussed again so that we get to our compromise bill. I

Mr. Brown:

Because of the zones.

Mr. Onorato:

I think when you look at these amendments it is loosening the requirements that is the bill in front of us but I still feel that as far as I'm concerned the rivers and the portals will be protected on the city side and that's something that everyone here has to personally decide what they feel. I feel that this is additional compromises and I can support these seven but I'm glad those two were removed out of the nine.

Mr. Darkins:

Call the vote. We have had enough of this.

The Chair:

I can't vote for the amendments with all due respect to the sponsor. I think the current legislation is a responsible bill, I think it's responsible regulation and I'll discuss it more when we actually have a vote on the bill but I also think that it has been significantly watered down since this process again and I believe these amendments further water the bill down and I can't in good conscience support it. Moreover it would send this bill back to the Planning Commission yet again it has already been there several times and I think that it would prolong this process unnecessarily. Let's have a roll call vote on the amendments.

ROLL CALL

AYES 4 NOES 4

(AMENDMENTS ARE DEFEATED)

The Chair:

We move to the bill as a whole. Is there discussion on the bill as a whole?

Mr. Ferlo:

I just ask for consideration on the bill and please support it. This is the substituted Planning Commission bill.

The Chair:

The amendments failed, we still have a bill in front of us. The bill that we had the hearing on. Any discussion on the bill?

obstruct the view going into the city. I'm supporting these and basically I think you have some good points and I would like two groups I asked to try to bring them closer together and it looks like we're at a standstill. And you need not look too much further than today's paper that shows Pittsburgh is losing three percent of it's jobs so I don't think this is the time to -- we have to be very careful, I'm very pro-business, pro-jobs, pro-labor and I'm afraid that it's not a time to hurt this industry and I'm supporting these amendments.

Mr. Onorato:

First a question. Are you going to read each one of these?

Mr. Wagner:

They could be read but seeing that they are all in writing in front of us --

The Chair:

-- as long as everybody has the amendments in front of them then I don't think we need to read them. Moreover I want to make sure does everybody have the bill now?

Mr. Onorato:

I want to explain for people watching too that these aren't amendments that just appeared in front of us. There was nine floating around for over a week that we reviewed and I'm glad to see two of them are removed here because two of the nine amendments I could not support, one being adding back the "M1" which never existed and the other one was actually reducing one of the setbacks to lower it below the existing and I don't think that we should be encouraging widening any parameters that currently exist and I'm glad to see that they have been removed from these amendments so I do recognize the other seven here.

What's gone on in my view in some of these and I'd like to mention it for example let's talk about some of the portals that Bob was talking about. It appears with this amendment that instead of protecting under the current bill both sides of the portals of the tunnel, this would address the city side of the tunnels. For example, Liberty Tubes. The city side you have the bridge and this will protect from putting billboards on that side of the bridge and blocking views of the city which once again I think would be a disgrace if we blocked the views. But the other side of that tunnel is the intersection of 51 and West Liberty and I think everyone is familiar with that intersection and there are a lot of billboards at that intersection as we speak today. I would doubt that you could put another billboard up there with these requirements because of how many are there.

is -- this legislation and if it finally did pass and went back to the Planning Commission and came back and passed Council, it would be a far different piece of billboard legislation than exists on the books today in city government. Mr. Chairman, I would like to have a vote on the seven together.

The Chair:

Motion and second on the amendments, discussion on the amendments.

Mr. Ferlo:

I think this aborts the whole collaborative process that has taken place in the last year and one-half involving not only representatives of Martin Media but other billboard representatives and many citizens groups and environmental groups and concerned citizens who have spoken on this issue. It basically guts the bill entirely and restores all of the requests of the industry. Just on the "C5" Corridor alone again I want to stress many, many billboards will remain in the Downtown area. We have seen to the City's credit a number of murals have been added to the Downtown that will remain for mayors to come. We have spent millions of dollars in the Market Square Cultural Trust Area and I think what I'm asking this Council to do is to make a statement. Maybe I hold a minority viewpoint on this but I happen to think we have a very beautiful Downtown in terms of the layout of the urban setting, the aesthetics of the buildings including many significant historical buildings. There will be and will remain many billboards including many new murals that are being allowed by the Zoning Board and we also see unfortunately the demolition of a number of buildings, Klein's parking lot, a parking lot at the old W.T. Grant and others that I know at some point will host a billboard and I think there's a higher and a better use in the Downtown corridor than the additional display of billboards. But again, all of these other weak bills radically gut the whole purpose of even having reasonable regulations that are embodied in the amended bill. The bill that's finally back from the Planning Commission altering my bill is a major compromise and all of these amendments are designed to further continue the construction of billboards right on top of each other stacking them up and having them located across the street from each other continuing to place billboards at the portals as well as bridges and closer to the riverfront and to the river view and I would strongly ask and plead to this Council that we reject these amendments.

Mr. O'Connor:

I'm under the impression that these changes do not affect anything viewing the river and anything to do with the tunnels or bridges only on like the 51 side of tunnels which would not

Dir. Downing:

It will go back to the Planning Commission for report and recommendation on the whole bill that you approve today and then you would need to set a public hearing on the amended bill and we will go through this and with cooperation we can do it.

Mr. Wagner:

I would like to say that I believe this Council should request at this time and I believe Councilman Ferlo is doing that, a legal interpretation be given back to Council. Mr. Ricciardi requested that specifically from the Law Department as to the number of votes necessary to pass the amendments in front of us. I think that is absolutely necessary and if the amendments do pass I think that needs to occur and there's nothing to say that they're going to pass. If they do pass that certainly would have to occur between now and Tuesday so as quickly as possible.

Dir. Downing:

The interpretation is that you only need five.

Mr. Wagner:

What I would like to do Mr. Chairman is offer these amendments as a package and vote on them in total.

We have in front of us seven amendments and They are all in writing and attached to that is a graph similar to the graph that has been provided of which there are probably five or six different graphs that this Council has received at various public hearings or in regard to various changes, proposed changes, compromise changes, existing legislation and basically what this compromise indicates is in the third column to the right the changes and it indicates under each provision precisely what the change is. Such as in permitted districts Number One, it includes the "C5" District whereas under the existing Council Bill No. 1178, it does not include a "C5" District and right down the line. There are still significant changes if this compromise is passed in that in "C3" and "C4" districts the square footage is 378 feet, under this compromise in comparison to existing legislation of 1200 square feet for new billboards in the future, there is a change to include other "C" districts, "C5" Districts under the 750 square feet as suggested under a sign area. But as you go down the list of the various changes proposed in front of us, I believe if you compare the far left column the existing legislation with the far right column plus the additional items that are not listed here that are part of Mr. Ferlo's bill of which there are significant items that have and do include significant changes in billboard legislation, if these compromises do pass today, it

Dir. Downing:

We have had conversations with the Law Department and their reading of the code that governs Council voting in this manner pertains to ordinances as a whole, so if the Planning Commission voted on an ordinance as a whole voted negatively, you would need seven votes to override but on specific amendments that is not the case.

The Chair:

Your view is then it would need five votes. That of course is not a binding view but that is your view.

Mr. Ricciardi:

I'll accept that view.

Dir. Downing:

I'm interpreting what my conversation with the Solicitor was.

Mr. Ferlo:

Point of order. Procedurally, clearly that is wrong based on previous rulings by solicitors and unfortunately the Administration is suspect in terms of their ruling here today and I want to state that for the record I will object to that in the future.

Secondly procedurally, I think all of these amendments if they are to be offered are substantive in nature and I want to remind this Council that based on the previous actions of even this Solicitor, again I refer back to my legislative ping-pong process that these amendments would cause the delay and actually the death of this bill because I don't think the process would be completed --

The Chair:

-- you are going beyond a point of order.

Mr. Onorato:

Point of order. Question of the seven votes as opposed to the five votes in the substantive issue. If it goes back at the public hearing we asked this question and I don't know if you could answer that point. Your opinion at this point is if these pass, this could come back to this Council this year for December.

say is go around and around on this and nothing will be done. But the time to act is today and I hope that we do that.

Mr. Wagner:

Mr. Chairman and Members of Council, if there is any item that has been in front of Council more than district elections it's probably billboards and it has received in my opinion too much time over the years based on the many serious issues facing the city. However, I have seen an evolution take place where there has been a reduction in billboards and the proposal in front of us today by Mr. Ferlo is a continuation of that and I think that's a positive sign. But at the same time I have listened to both sides for years and I think the legislation in front of us today goes a little too far. I mentioned last week at the public hearing that there were some suggestions by the industry to make further amendments to this legislation. I believe every Councilmember directly or indirectly has seen what the industry suggested last week and there have been additional reductions from what they wanted from that and I have in front of me what I think is a realistic proposal of additional compromise in regard to this legislation and I personally think that this Council needs to strike some middle ground further than what this bill represents and I believe that's very important to this industry and this industry to survive in the City of Pittsburgh and I believe it's in the best interests of the City of Pittsburgh.

Billboards are cluttered at certain locations and in certain arrangements; there's no doubt about that. But for this Council to make drastic changes with this proposal in front of us today is not fair in my opinion to the industry. I think it should be done with greater sensitivity and basically what I have passed around are some amendments that I believe strike some additional middle ground. I would like to put them on the table for discussion in a form of a motion, there are seven amendments here.

Mr. Ricciardi:

I have a procedural question. I would like to ask Mr. Brown and Director Downing if they can let us know the number of votes each amendment is going to need to pass. It's my understanding by reviewing some of these amendments that have been discussed at the Planning Commission and rejected. If that is true, I believe it's only fair to this body that we realize which amendments would need seven votes and it would only be fair to the sponsor Mr. Wagner.

legislative maneuvering. So again I would ask that Councilmembers support this bill; it's a reasonable bill and deals with the future construction of billboards and I would hope that we would not support weakening amendments.

Mr. Onorato:

I would like to make a few comments Mr. Chairman and that is I agree and I disagree with Councilman Ferlo. One I agree that we need responsible regulations of the billboard industry. He mentioned that his original bill has been weakened and I guess that's where I disagree because I was one of the individuals that argued to have "C3" and "C4" put back into the bill. I think that there's a balance we have to reach here, we have a viable business but at the same time we have to protect the integrity of our views and of our business districts and of our neighborhoods.

As a Councilmember here I really don't care what prior Councilmembers that sat here before me has done. It's something that I have to vote on and something that I have to evaluate at this point today. But I think one thing that we should all agree on is the time for voting on legislation is here in front of us. This issue has been around and around for the two years that I have been here. I don't look at it as weakening the bill. I am receptive to review and discuss any amendments that might come forward. I think there's room for movement here but one way or the other what I would ask and what I would hope to see today is regardless if any amendments do come forward and if they pass or they don't pass that we address regulations today and vote on the regulations today and move forward and neither side is going to get what they want. There are some people in the city that want to totally ban billboards; I met with that group. There's the billboard industries that think this is too harsh; I met with that group. So I don't look at this as caving into any particular interest group. I think you should listen to all sides which I have. We sat through public hearing after public hearing and I've sat through meetings in my room and I think it's time that we address the issue. My major concern from the very beginning was preserving the riverfronts, preserving the views of the riverfronts and I think that even if amendments come forward and pass the totality of this bill will have enough restrictions in it to actually protect those areas, the portholes and the riverfronts of this city. I think though at this time we should now discuss any amendments that are going to come forward and if not we should move forward with this bill and let's work with it and then next year if we find out that this legislation isn't working, there's always the ability to either make an amendment to it but I think it's time that we do get some type of regulation in place so that the billboard industry and the people that want to preserve the City can move forward because all we're going to do is as Councilman Ferlo did

individuals and their families. That doesn't mean that this Council should be remiss and not once again revisiting and evaluating environmentally and to the ecology of this city the impact of billboards. The overall amendments that constitute this billboard reform bill would begin to reduce the future size from 1200 square feet down to 750 square feet and to the lower figure for the neighborhood "C3", "C4" commercial quarters where this Council has spent millions of dollars in streetface facades in trying to upgrade neighborhood business corridors. This reasonable package that's being debated and hopefully will receive majority support today provides that future billboards be further set back from the riverfronts, tunnels and bridges over the rivers in this city. This package today would reduce the density and increase spacing between future billboards. Not billboards of which there are close to 1400 throughout the city, it would begin in the future as new billboards would go up it would make more strict and would begin to reduce the density of these boards. It would decrease the maximum height allowed for future billboards from 85 feet down to 45 feet which is a little over four stories which is a fairly high very visible parameter for the industry to live with in the industrial zones and it would outright prohibit future billboards in the Downtown "C5" corridor. There would still remain many billboards in the Downtown corridor which begins to wrestle with trying to create an ambiance in a higher -- instead of quality in the Downtown corridor which to the credit of the Planning Commission and past mayors I think the administrations have been very concerned about the urban open space requirement, about the layout of buildings in the Downtown and just visually what we want our city to look like. In bridges and tunnels along the riverfront and in the Downtown corridors where millions of dollars have been spent on urban open space, building improvements, roadway improvements, the cultural trust area, the Market Square area, etc. The Planning Commission further amended the bill to restore an additional five feet in height billboards in the neighborhood "C3" commercial corridors and at this time I would ask that a majority that supported this bill throughout this whole legislative process stick with the commitment and the support for this legislation. It is a reasonable bill and I think unfortunately some members are inflicted now with "amendmentitis" which is an attempt to further weaken and provide a vehicle for the industry to be represented at this table under the guise of compromise. The fact of the matter is that this bill has been compromised to death and I would hope that this Council would be reasonable and support this package and vote against any attempt to amend and further weaken and send back the process to the Planning Commission which basically paralleled the way previous Councilmembers railroaded the whole process many years ago. They wore down the citizens, they wore down the process, they wore down the legislative body, they wore down the media, they wore down everybody and this is what's happened in the last many months under the expertise of Mr. Frank who represents Martin Media is the same kind of

Mr. Ferlo:

My motion is to replace 1178 with the report and recommendation and bill that came from the Planning Commission following the public hearing last week.

The Chair:

Any discussion on that motion? All those in favor? Opposed? The ayes have it. Let's begin the discussion then.

Mr. Ferlo:

On the actual bill I would hope that this Council would as it has in the past by way of a majority vote just a few months ago voted to affirmatively submit to the Mayor a piece of legislation which begins to further regulate an industry that I think needs to be further regulated. The fact of the matter is that this bill has been back and forth in a legislative ping-pong match for the last year. The bill is not the bill that I originally submitted to this Council which initially sought much more strict measures in terms what I characterized initially as proliferation of billboards in this city. This bill is significantly weakened and it has been weakened in significant ways by actions of this Council.

The last Planning Commission process resulted in a near unanimous vote in support of the amended bill by this Council. If we can refresh Councilmembers' memories very quickly, we restored billboards in "C3" and "C4" neighborhood commercial districts and increased the height size in the industrial zones. Those amendments were firmed as well as other changes that were made by the Planning Commission and that amended bill is on the table now and it was the subject of the hearing last week.

I want to stress to Councilmembers which I have said once and if I can't say it a thousand times to the political pundits and to everybody else. This bill does not focus in on some 1400 billboards that are already existing and are up in the City of Pittsburgh and will be up long after Jim Ferlo is dead, gone and is ashes. This bill attempts to deal realistically and reasonably with fairness, future regulation of future construction of billboards throughout the City of Pittsburgh, a market that is already heavily impacted by billboards for many decades. The billboard industry is an important industry in this city, it is a legitimate industry, it is a socially responsible industry in terms of providing a number of services to non-profit organizations. I commend the industry and specifically Martin Media for that initiative. However, in setting aside the issue of tobacco and alcohol advertising, the billboard which I think has to be addressed in other days and other forums, the fact of the matter is that it is an important industry locally to the economy and to providing jobs for

The Chair:

Before we enter into a dialogue with Director Downing, if we can get the substitute on the table.

Mr. Ferlo:

I want to make clear that we're doing what we're doing. I initially introduced a bill, it was amended and sent to the Planning Commission. The Planning Commission had voted on it and made some changes. We asked for that report and recommendation. The bill that should be on debate today is the actual final bill report and recommendation from the Planning Commission, so I'm substituting my bill with the bill from the Planning Commission which was the subject of the last public hearing.

The Chair:

Does anybody have any procedural problem with the bill?

Mr. Onorato:

As long as we are all holding the bill in front of us --

Mr. Ricciardi:

-- I don't think that is the bill. I don't believe we have the bill before us.

Mr. Ferlo:

I asked the Clerk's Office to put on the table the bill from the Planning Commission that was the subject of the public hearing last week.

Mr. Brown:

This is the report on the bill but not the bill. The bill is somewhere else here.

The Chair:

Let me try to suggest -- we have a bill right here, this is the bill. We're going to make copies. We should have them already but if anybody doesn't have them we'll make the copies now. I think we can have discussion on the bill during that time period.

(BEGINNING - MESSRS. COHEN, DARKINS, FERLO, O'CONNOR, ONORATO AND WAGNER'S COMMENTS ON BILL NO. 1178, WEDNESDAY, SEPTEMBER 29, 1993)

Mr. Ferlo:

Motion to place on the table the report and recommendation bill from the Planning Commission 1178.

The Chair:

There's a motion to place the substitute bill from the Planning on the table, is there a second?

Mr. Onorato:

Second for discussion.

The Chair:

All those in favor signify by saying aye? Opposed? The ayes have it.

Mr. Perry:

I have a report and recommendation but are you putting a substitute bill in here?

Mr. Ferlo:

We're substituting the initial No. 1178 for the bill from the Planning Commission.

The Chair:

It should be right before you. It's with a June 14th letter attached. Is that what you mean Mr. Ferlo? Mr. Perry, is there a problem?

Mr. Perry:

I thought Council gave Jim Brown amendments last week to incorporate it into this bill today.

Mr. Ferlo:

Wait a minute. Mike, there are no amendments on the table, they may be offered today. We have a bill before us that's a report and recommendation back from the Planning Commission. Director Downing, please come to the table.

execution of a Contract for Disposition by sale of Land by and between the Urban Redevelopment Authority of Pittsburgh and AHI Development, Inc., for the sale of properties in the City of Pittsburgh (REHABILITATION/SIDEYARD)."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 1178

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article V, 'Regulations Applicable to All Districts'; Chapter 987, 'Signs', and Chapter 991, 'Nonconforming Signs, Uses and Structures', to revise advertising sign regulations; and Chapter 993, 'Exceptions' to include electronic message sign regulations." (AS AMENDED IN

COMMITTEE)

---(SPONSORED BY MR. FERLO)

Which was read.

Mr. Ferlo:

I'd like my comments brought forward on Bill 1178.

Mr. Onorato:

I'd like my remarks also.

Mr. O'Connor:

Mine as well.

Mr. Cohen:

I'd like my comments brought forward, too.

Mr. Darkins:

I'd like my comments brought forth also.

The Chair:

My remarks also.

(REMARKS ON FOLLOWING PAGES)

minor rehabilitation of neighborhood facilities for the benefit of residents of the City of Pittsburgh, at a cost not to exceed \$5,000.00, chargeable to and payable from Code Account 1103 (110304) Miscellaneous Services, Department of City Planning, so as to change the name of the contract group to the Glen Hazel Citizen's Association." --(SPONSORED BY MR. O'CONNOR)

Which was read.

Also,

Bill No. 3164

A Resolution entitled, "Resolution providing for a Cooperation Agreement or Agreements with the Housing Authority of the City of Pittsburgh for the administration and implementation of the 'Community and Social Services Programs in Public Housing Communities' and the 'Rehabilitation and Modernization of Housing for Low and Moderate Income Persons' program at a cost not to exceed \$1,154,000, chargeable to and payable from the 1993 CDBG Program - Housing Authority, 'Rehabilitation and Modernization of Housing for Low and Moderate Income Persons' Project #4-65-01-0001-93-380-93-65, Index #612838."

Which was read.

Also,

Bill No. 3165

A Resolution entitled, "Resolution approving execution of a Contract for Disposition by sale of Land by and between the Urban Redevelopment Authority of Pittsburgh and Manchester Citizens Corporation for the sale of properties in the City of Pittsburgh (Rehabilitation)."

Which was read.

Mr. Smith:

On Bill 3165, I'd like to thank my colleagues for their continued support of the community development corporations that are assisting in the revitalization of the City, and especially the support that I have garnered for the Manchester Citizens Corporation which is one of the more active community development corporations in my district, and I thank you.

Also,

Bill No. 3166

A Resolution entitled, "Resolution approving execution of a Contract for Disposition by sale of Land by and between the Urban Redevelopment Authority of Pittsburgh and Homewood-Brushton Revitalization and Development Corporation for the sale of properties in the City of Pittsburgh (REHABILITATION/SIDEYARD)."

Which was read.

Also,

Bill No. 3167

A Resolution entitled, "Resolution approving execution of a Contract for Disposition by sale of Land by and between the Urban Redevelopment Authority of Pittsburgh and Bloomfield-Garfield Corporation for the sale of properties in the City of Pittsburgh (REHABILITATION)."

Which was read.

Also,

Bill No. 3168

A Resolution entitled, "Resolution approving

being in the affirmative, the bills passed finally.

Also,

Bill No. 3095

A Resolution entitled, "Resolution providing for the issuance of a warrant in the sum of \$385,000.00 to Lawyer's Committee For Civil Rights Under Law, Suite 400, 1400 I Street, Northwest, Washington, D.C. 20005, in settlement of a claim for attorneys fees and costs expended in connection with the litigation of Metropolitan Pittsburgh Crusade for Voters, et al. v. City of Pittsburgh, et al.; Code Account 86-173."

Which was read.

Mr. Ferlo:

Mr. President, I'd like to make a motion to recommit Bill 3095. This is on the \$385,000 payment requiring six votes, and I believe we will have those votes next week.

Mr. Ricciardi seconded the motion.

WHICH MOTION PREVAILED.

Also,

Bill No. 3213

A Resolution entitled, "Resolution authorizing the transfer of Fifty Thousand Dollars (\$50,000.00) from Code Account 1470-9, Index Code 147090, Workers Compensation, Bureau of Fire, to Code Account 1420-9, Index Code 142091, Workers Compensation, Bureau of Emergency Medical Services, Department of Public Safety."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Ferlo presented

Bill No. 3248

Report of the Committee on Planning, Housing and Development for September 29, 1993 transmitting one ordinance and sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3170

A Resolution entitled, "Resolution amending Resolution No. 451, effective May 7, 1993, entitled 'Resolution providing for an Agreement or Agreements with Project Impact - Hazelwood for operational/administrative expenses; maintenance; purchase of equipment; and/or

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3175

A Resolution entitled, "Resolution transferring \$7,500.00 from Code Account 1494, Materials, Index Code #149401, to Code Account 1496, Equipment, Index Code #149609, both accounts within the Department of Engineering and Construction."

Which was read.

Also,

Bill No. 3176

A Resolution entitled, "Resolution transferring \$35,000.00 from Code Account 1100, Miscellaneous Services, Index Code #110007, Department of Personnel and Civil Service, to Code Account 1490-9, Worker's Compensation, Index Code 149096, Department of Engineering and Construction."

Which was read.

Also,

Bill No. 3177

A Resolution entitled, "Resolution transferring the amount of \$2,084.79 from the Frick Park Nature Center Trust Fund (FPNCTF), (252254), to the Public Safety Training Account Trust Fund (PSTATF), (253450)." --(SPONSORED BY MR. RICCIARDI)

Which was read.

Also,

Bill No. 3178

A Resolution entitled, "Resolution transferring the amount of \$5,000 from the Property Tax Reduction Trust Fund (PTRTF), (253682), to the Public Safety Training Account Trust Fund (PSTATF), (253450)." --(SPONSORED BY MR. RICCIARDI)

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council

Safety, to Code Account 45, Index Code 004507, Health Insurance, Municipal Employees, Department of Finance."

Which was read.

Also,

Bill No. 3172

A Resolution entitled, "Resolution authorizing the transfer of Two Hundred Thousand Dollars (\$200,000.00) from the Emergency Medical Services Reimbursed Events Trust Fund (EMSRETF), Index Code 251819 to the Emergency Medical Services Trust Fund (EMSTF), Index Code 251785 for reimbursement of Special Event Wages paid from EMSTF."

Which was read.

Also,

Bill No. 3173

A Resolution entitled, "Resolution authorizing the transfer of One Million Two Hundred Thousand Dollars (\$1,200,000) from Code Account 45, Index Code 004507, Health Insurance - Municipal Employees, and One Hundred Thousand Dollars (\$100,000) from Code Account 1470-9, Index Code 147090, Workers Compensation, for a total of One Million Three Hundred Thousand Dollars (\$1,300,000) to Code Account 1461-1, Index Code 146118, Premium Pay, Bureau of Fire, Department of Public Safety."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 3174

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of CSX Railroad in the amount of \$8,141.76 in payment of railroad flagging services required for the Rehabilitation of the Schenley Park Bridge over Boundary Street project; and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

REPORTS OF COMMITTEES

Mr. Cohen presented

Bill No. 3247

Report of the Committee on Finance for September 29, 1993 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3161

A Resolution entitled, "Resolution transferring the sum of \$2,403,794.00 from Code Account 45, Health Insurance Municipal Employees to Code Account 58, Municipal Pension Fund-Old."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8

NOES none

And a majority of the votes of Council

being in the affirmative, the bill passed finally.

Also,

Bill No. 3163

A Resolution entitled, "Resolution providing for the issuance of a \$1,500.00 warrant in favor of Joseph J. Zima in settlement of claim for vehicle damage."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8

NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3171

A Resolution entitled, "Resolution authorizing the transfer of \$200,000.00 from Code Account BBITF, Index Code 250233, Bureau of Building Inspection Trust Fund, Department of Public

Mr. Rooney:

Thank you, Councilman.

The Chair:

Mr. Rooney, thank you very much for coming here today. I think the vote on your appointment will come up Tuesday.

Mr. Wagner:

Yes.

The Chair:

And I look forward to having you serving in this government.

Mr. Rooney:

Thank you.

(END OF COMMENTS)

PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

Michelle Madoff presented

No. 3374 Resolution providing for the transfer of funds totalling \$128,846.00 from Code Account 1922, Misc. Services, Dept. of Water to Code Account 51, Postage, Dept. of Finance. This transfer is required to replenish the advance postage due account used for mailing the Dept. of Water's customer water bills, and daily mail by the U.S. Postal Service.

Also,

No. 3375 Resolution providing for the transfer of funds totalling \$100,000.00 from Code Account 1978, Chemicals, Purification & Pumping, Department of Water to Code Account 1926, Municipal Obligations Non-City Water, Administration, Dept. of Water. This transfer is necessary to pay invoices for Non-City water usage through the end of the year.

Which were read and referred to the Committee on Finance.

Mr. Onorato presented

No. 3376 Resolution transferring the amount of \$5,000.00 from Code Account 1404, Supplies and Materials, and \$5,000.00 from Code Account 1405, to Code Account 1401, Misc. Services, Dept. of Public Safety.

Which was read and referred to the Committee on Finance.

Mr. Onorato moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Smith seconded the motion.

Which motion prevailed.

Also,

No. 3377 An Ordinance amending the Pittsburgh Code, Title Six, Conduct, Article I, Regulated Rights and Actions, Chapter 611, Alarms. --(SPONSORED BY MR. ONORATO)

Also,

No. 3378 Resolution providing for an Agreement or Agreements with an Independent Contractor for the purchase of Pharmaceutical Services, Supplies and Medications necessary for the operations of the Bureau of Emergency Medical Services for a period of two years (1993 through 1994) at a cost not to exceed \$15,000.00 annually, chargeable to and payable from Code Account 1422, Bureau of Emergency Medical Services, Department of Public Safety.

Which were read and referred to the Committee on Public Safety.

The Chair presented

No. 3379 Amendment to Rule VI of the Rules of Council which will comply with Pennsylvania Act 20 of 1993 giving an opportunity for comment by residents or taxpayers of the City and will be provided as the last order of business at the weekly Standing Committees meeting of Council.

Which was read and held one week.

Also,

No. 3380 Communication from D'Ann Swanson, Acting Director, Dept. of Finance, submitting deposits and the market value of securities pledged as collateral by City Depositories as of August 31 and September 30,

1993.

Which was read, received and filed.

REPORTS OF COMMITTEES

Mr. Cohen presented

Bill No. 3381

Report of the Committee on Finance for October 27, 1993 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3284

A Resolution entitled, "Resolution providing for an Agreement or Agreements for Stenographic Reporting Services in connection with public hearing(s) and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3286

A Resolution entitled, "Resolution transferring the aggregate amount of \$350,000.00 to various code accounts from Code Account SSFSP, (270256), Special Summer Food Service Program Trust Fund in the Department of Parks and Recreation."

Which was read.

Also,

Bill No. 3289

A Resolution entitled, "Resolution authorizing the transfer of One Hundred Fifty Thousand Dollars (\$150,000.00) from Code Account 1457-9, Index Code 145797k, Police Workers Compensation to Code Account 1457, Index Code 145706, Police Quartermaster, Department of Public Safety."

Which was read.

Also,

Bill No. 2921

A Resolution entitled, "Resolution authorizing and directing the Director of Finance to advertise for proposals and to award and enter into a Contract or Contracts with a commercial realtor or realtors, community groups, local non-profit agencies, and/or local community development corporations, to market City of Pittsburgh tax delinquent properties." (AS AMENDED IN COMMITTEE)

---(SPONSORED BY MR. WAGNER)

Which was read.

Also,

Bill No. 3262

A Resolution entitled, "Resolution providing for conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, 'Second Class City Treasurer Sale and Collection Act', effective December 11, 1984."

Which was read.

Also,

Bill No. 3310

A Resolution entitled, "Resolution transferring the amount of Fifty Thousand (\$50,000.00) Dollars from Code Account 1470-9, Worker's Compensation, Index Code 147090, Department of Public Safety, Bureau of Fire, to Code Account 1665-9, Worker's Compensation, Index Code 166595, Department of Public Works, Bureau of Environmental Services and transferring the amount of Eighty Thousand (\$80,000.00) Dollars from Code Account 1470-9, Worker's Compensation, Index Code 147090, Department of Public Safety, Bureau of Fire, to Code Account 1708-9, Worker's Compensation, Index Code 170894, Department of Public Works, Bureau of Parks Maintenance."

Which was read.

Also,

Bill No. 3311

A Resolution entitled, "Resolution transferring the amount of Twenty Thousand (\$20,000.00) Dollars from Code Account 1676, Miscellaneous Services, Index Code 167601, Bureau of Environmental Services to Code Account 1610, Miscellaneous Services, Index Code 161000, Bureau of Operations, both accounts within the Department of Public Works."

Which was read.

Also,

Bill No. 3318

A Resolution entitled, "Resolution providing City Council to retain It's Own Attorney for the investigation into the collection of the City's parking tax revenues."

(AS AMENDED IN COMMITTEE)

---(SPONSORED BY MR. O'CONNOR)

Which was read.

Also,

Bill No. 3319

A Resolution entitled, "Resolution providing for a contract or contracts to retain a Certified Public Accounting firm, for the purpose of conducting a comprehensive review of 1992 Parking Tax Revenues; and to conduct a reivew of pertinent ordinances and regulations effecting the collection of the City's parking tax; and to review the methods employed in order to insure compliance with the aforementioned ordinances and regulations." (AS AMENDED IN COMMITTEE)

---(SPONSORED BY MR. O'CONNOR)

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
Mr. Onorato	(Pres't)

AYES 7

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 3324

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Public Strategies, Inc., One Bigelow Square, Suite 616, Pittsburgh, PA 15219, in the amount of \$1,600.00 in payment for professional consulting services rendered to Councilman Eugene Ricciardi for the month of October, 1993."
---(SPONSORED BY MR. RICCIARDI)

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Ferlo	Mr. Ricciardi
Mr. O'Connor	Mr. Smith

AYES 6 NOES 1

(MR. WAGNER VOTING NO)

And there being two-thirds of the votes of Council being in the affirmative, the bill passed finally.

Mr. Ferlo presented

Bill No. 3382

Report of the Committee on Planning, Housing and Development for October 27, 1993

transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3316

A Resolution entitled, "Resolution providing for the implementation of a Residential Parking Permit Program (RPPP) Area 'V' in the Shadyside community pursuant to Pittsburgh Code Chapter 549."

Which was read.

Mr. Cohen:

Mr. President, I'd like to have my comments brought forward on Bill 3316 regarding permit parking in Shadyside, please.

(REMARKS ON FOLLOWING PAGE)

(BEGINNING - MR. COHEN'S COMMENTS ON BILL NO. 3316, WEDNESDAY,
OCTOBER 27, 1993)

The Chair:

Let me make a couple of comments on this. This is the area
surrounding Shadyside Hospital.

As you know the Planning Department does a survey to see
what percent of the spaces in that particular area are being
utilized and in this area it was 99 percent which I believe is
I'm told by Richard Meritzer is the highest that they have ever
had for any permit parking area so the impact is extremely high
and 72 percent of the residents are on record favoring this and
there was no significant opposition so I would urge my
colleagues to vote for this new permit parking district. I
think it will ease a lot of the congestion in the Shadyside
Hospital area.

(END OF COMMENTS)

PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. Onorato	Mr. Wagner
	(Pres't)

AYES 6 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Smith presented

Bill No. 3383

Report of the Committee on General Services for October 27, 1993 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3287

A Resolution entitled, "Resolution providing for a Contract or Contracts, or the use existing Contracts for various repairs and emergencies for the Department of Parks and Recreation, payable from Code Account 3-10-01-0010-93, Index Code 810085, Major Repairs and Emergencies, Department of Parks and Recreation, and for payment thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Smith
Mr. Onorato	Mr. Wagner
Mr. Ricciardi	(Pres't)

AYES 5 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. O'Connor presented

Bill No. 3384

Report of the Committee on Parks and Recreation for October 27, 1993 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3288

A Resolution entitled, "Resolution providing for a lease or leases and/or a license agreement or license agreements for the use of certain City property by the School District of Pittsburgh, in connection with the Chadwick Head Start Center, at a cost of \$500.00 per month."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Smith
Mr. Onorato	Mr. Wagner
Mr. Ricciardi	(Pres't)

AYES 5 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

MOTIONS AND RESOLUTIONS

Mr. Onorato:

Mr. President, to follow up from last meeting about the situation of Route 65 being closed down. PennDOT did agree to fund a police officer at the intersection of Termon Avenue and California Avenue for the entire length of the project, which is approximately one year, for four hours a day. So there will be a City police officer being paid out of State funds for that project.

The Chair:

Terrific.

Mr. Cohen:

Mr. President, I just want to take this opportunity to congratulate Councilman Dan Onorato and his lovely wife, Shelly, on the birth of their new daughter, Emily.

Mr. Onorato:

Thank you.

Mr. Onorato moved to approve the Minutes of Tuesday, October 5, 1993.

Mr. Smith seconded the motion.

Which motion prevailed.

Mr. Smith moved to excuse Mr. Darkins and Michelle Madoff for absence from the meeting.

Mr. Cohen seconded the motion.

Which motion prevailed.

The Chair:

Can I have a motion to adjourn this meeting and meet again on Monday, November 8, 1993 at 9:00 a.m.? The reason being, obviously, is that the Mayor will make her budget address to us that afternoon.

Mr. Onorato:

So moved.

Mr. Cohen seconded the motion.

And on the motion of **Mr. Onorato**

Council adjourned.

MUNICIPAL RECORD

Proceedings of the Council of the City of Pittsburgh

VOL. CXXVII

Monday, November 8, 1993

No. 43

Municipal Record

ONE-HUNDRED TWENTY-SEVENTH COUNCIL

JACK WAGNER President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON-WASLER.... Asst. City Clerk

Pittsburgh, PA
Monday, November 8, 1993

PRESENT:

MR. COHEN	MR. ONORATO
MR. DARKINS	MR. RICCIARDI
MR. FERLO	MR. SMITH
MICHELLE MADOFF	MR. WAGNER
MR. O'CONNOR	(Pres't)

The Meeting was opened by the recitation of the Pledge of Allegiance to the Flag of the United States of America, and a moment of silent prayer for peace throughout the world.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. O'Connor:

Will the members of the Sports Hall of Fame please come up? We have the committee led by Stanford Davis. I'm sure everybody knows Manny Gold. He comes down quite often to see us. Manny, what are you going to do with all your plaques? He does so many good things for our community.

Mr. O'Connor and Mr. Cohen present

No. 1253 WHEREAS, the Jewish Sports Hall of Fame of Western Pennsylvania was established to honor and recognize outstanding Jewish athletes and distinguished members of the sports world who have contributed to the betterment of the Western Pennsylvania area through their accomplishments in both sports and communal service; and

WHEREAS, the Jewish Sports Hall of Fame of Western Pennsylvania raises and distributes funds for the sponsorship and encouragement of Jewish youths and other athletes who use sports as a vehicle for achieving personal growth, challenge and enjoyment; and

WHEREAS, the following individuals are to be recognized for their significant contributions to, and their distinguished careers in, their respective athletic fields by being inducted into the Jewish Sports Hall of Fame of Western Pennsylvania at its annual induction

banquet on November 14, 1993 at Beth Shalom Synagogue in Pittsburgh, Pennsylvania:

Dr. Samuel J. Klatman - Basketball
Dr. Leonard Schwartz - Sports Fitness
Dr. Irwin Solow - Tennis
Mr. Sam Nover - Sports Broadcasting
Mr. Sam Kalser - Basketball
Ms. Alisa Spector Collins - Gymnastics
Mr. Moy Marks - Basketball
Mr. Harry Pittler - Boxing Promotion
Mr. Zola Alpert - Football
Mr. Gerald S. Ostrow - Ziggy Kahn Memorial Award

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh acknowledges and commends the above outstanding individuals for their accomplishments, and commends the Jewish Sports Hall of Fame of Western Pennsylvania for its sponsorship and encouragement of athletic activities in the Greater Pittsburgh area; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh proclaims the day of November 14, 1993 as "Jewish Sports Hall of Fame Day" in the City of Pittsburgh in honor of the above 1993 inductees.

Mr. O'Connor moved to adopt the resolution.

Mr. Cohen seconded the motion.

Which motion prevailed.

Mr. O'Connor:

I have been actively involved since Manny inducted me as a member a couple of years ago and they have an outstanding banquet. I guess they have over 500 people come.

But the really nice thing they do, last year they raised over \$30,000 that went directly to

children and sports for kids, and they donate to all different aspects of the Pittsburgh community. It's really an outstanding event and I hope we sell out next Sunday.

So, I'll have Stanford Davis receive the award and say a few words.

Mr. Davis:

Thank you very much, Bob. It's a tribute to the members of the Jewish Hall of Fame who are here today, the Board of Directors. I'd like to introduce our President, Robert Tucker; his right-hand man, Manny Gold; Zindy Kramer; Chester Neft; Schmoly Levine; Dr. Chuck Coffey; and Saul Levin, are members of the Board who work so hard to raise and distribute funds to Jewish youths and other individuals.

Last year we provided financial support for the Special Olympics, for the Jewish Community Center's athletic teams, for the 14th Ward Baseball Team, for youths to attend summer camps and for participants in the local and international Macaabi Games.

Again, we thank the City of Pittsburgh and all their support. I would mention that Bob O'Connor and Dan Cohen have been supporters of ours for a long time. In fact, Bob O'Connor's name appears on our tickets annually for his contribution. The City of Pittsburgh is a wonderful place to live in and one of the reasons it is wonderful is because of organizations like ours who help on a personal basis to support Jewish youths and other individuals who participate actively in the sports world.

So, we thank the City for the resolution and we look forward to a sell-out dinner next Sunday. And if anyone wishes to attend, Manny Gold still has some tickets. It's next Sunday at the Beth Shalom Synagogue and we will have 400 people in attendance, including Mayor Sophie

Masloff who will render a few remarks to us also. So, you're all invited; just see Manny for a ticket. Thank you.

Mr. Cohen:

I will never be inducted into the Jewish Sports Hall of Fame, so that's why I have particular admiration for the people who are here and for the awardees that are coming up on Sunday night.

I just want to congratulate everybody who is involved in putting this together. I know that it's very difficult to put together a tremendous dinner and celebration like you're going to have on Sunday. I have been very privileged to be involved in the last couple of years with this dinner and it's a great time. It really is. It's a wonderful event.

So, I want to congratulate Stan Davis for chairing the dinner, and District Magistrate Robert Tucker. It's a privilege to have him down here who is the President I guess soon to go out of office. But we congratulate you on your service. And Manny Gold, of course, who has given so much to our community and everybody else.

We often talk about expanding opportunities for our youth, employment opportunities, educational opportunities, and recreational opportunities, and this is a group right here that is actually doing it, to actually use the money to promote athletics among our youth. So, I want to thank you for doing that and look forward to having a terrific dinner on Sunday. Congratulations.

Michelle Madoff:

Dan, have you got Graphite golf clubs yet? Stan is a wonderful athlete.

Mr. Cohen:

Well, we did go out to the Schenley Park Golf Course recently. Councilman Onorato and Councilman O'Connor and Councilman Wagner and I. But I don't want to tell you how I did.

Michelle Madoff:

I would have loaned you my clubs.

Mr. Cohen:

Why don't we have Bob Tucker, the President, say a few words as well?

Mr. Tucker:

Unaccustomed as I am to public speaking, I want to thank City Council for the wonderful resolution, just thank everybody that made my job as President of the Jewish Sports Hall of Fame so much easier by all the work that they've done. It's nice to be able to coast along on the coattails of such active individuals.

Again, I want to express my public thanks to the members of the Committee and the Board of Directors. Thank you. It's been great being your President.

The Chair:

Thank you all very much. And a special thanks to Councilman O'Connor and Councilman Cohen. Have a great banquet.

Mr. Onorato:

At this time I'd like to call up all the cheerleaders from Incarnation Academy and all the adults that played a part in their winning the competition this year.

Mr. Onorato presents

No. 1255 WHEREAS, the Incarnation Academy girls cheerleading squads attended North Catholic High School's cheerleading clinic this summer which lasted three days; and

WHEREAS, during the first two days of the clinic, the girls learned cheers, chants, mounts and dances, and on the third day each squad competed against one another using the materials they had learned; and

WHEREAS, there were eight Varsity squads and ten Junior Varsity squads involved in the competition; and

WHEREAS, both the J.V. squad and the Varsity squad were awarded first place for their excellent performances; and

WHEREAS, the moderators responsible for instructing and guiding the girls are Pam DuMont, Annette Simmons and Peach Klosky, and the choreographers are Heather Zito, Mandy Reskovac and Stacey Miller; and

WHEREAS, the members of the girls J.V. cheerleading squad are Captain Maggie Behr, Colleen Davis, Tiffany DuMont, Nora Flaherty, Katie Klosky, Jennifer Kroniser, Tiffany Madden, Jamie Miles, Brittany Moser, Josie Nichols, Jenny Ninehouser, Chrissy O'Leary, Christine Ondek, Andrea Pudelski, Bridgette Rowley, Tabatha Tongel and Dana Zoelle; and

WHEREAS, the members of the girls Varsity cheerleading squad are Captains Courtney DuMont and Emily Klosky, Jenny Bauer, Maggie Behr, Natalie Castner, Amy Morton, Megan Reskovac, and Kristin Simmons; and

WHEREAS, much of the credit for the

girls success must go to the Principal of Incarnation Academy, Sr. Roberta Kardell for her support and interest in all the school's activities and for keeping Incarnation Academy's spirit high.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh recognizes the hard work of all those involved in the success of Incarnation Academy's cheerleading squad.

Mr. Onorato moved to adopt the resolution.

Michelle Madoff seconded the motion.

Which motion prevailed.

Mr. Onorato:

Let me just say, colleagues and everyone listening out there, that Incarnation is one of the new parishes from the mergers that have been taking place across the City. This is the merger of Nativity and Annunciation on the North Side and is now called Incarnation Academy.

So, I am pleased to see that the merger is moving forward. We had a lot of stumbling blocks and there has been a lot of emotions over the mergers, but we have to move forward and see that these schools succeed.

At this time, I'd like to have Sister Roberta come forward to just say a few words about her squad and the school.

Sister Roberta:

I'd like to thank Members of City Council, specifically Councilman Dan Onorato, for this recognition.

I believe that in recognizing these young women, their coaches and their moderators, what

is really being recognized is the pursuit of excellence at Incarnation Academy as well as the perseverance and commitment to that excellence that exists in the Observatory Hill community.

I believe that key characteristics of this pursuit of excellence are, number one, desire to succeed. And I believe that these girls have that desire. No girl is turned away from the cheerleading squad because they cannot achieve. What we look for is desire. That desire will allow them to achieve and meet with success.

That second characteristic that I believe is important that we recognize is the characteristic of challenge provided by our coaches and our moderators.

And finally, hard work is the third character. That commitment to the task. I believe that this recognition today of these young women, their coaches and moderators, is really a recognition that we can achieve excellence if we have the desire for it, if we challenge ourselves, and if we actually put down the hours of hard work that is necessary for that. We believe that this is a characteristic of Incarnation Academy and the Observatory Hill community.

We thank City Council and Councilman Dan Onorato for recognizing this pursuit of excellence. Thank you.

Mr. Onorato:

Are there any other adults that would like to say a few words? If not, we're going to ask some of the cheerleaders to come forward.

Ms. Klosky:

My name is Katie Klosky.

Ms. O'Leary:

And my name is Chrissy O'Leary. On behalf of the cheerleaders, we would like to thank Dan Onorato for being so supportive to our school. We are very honored to be here today.

Ms. Madden:

My name is Tiffany Madden and I would like to say thank you.

Speaker:

I'd like to thank the J.V. girls for being so cooperative with me and trying their hardest to learn the dances, cheers and chants. I know how hard it is to try to learn everything, so I give them much credit on a job well done. Thank you.

Mr. Onorato:

Very nice. Thank you.

The Chair:

Thank you all very much.

Mr. Onorato presents

No. 1256 WHEREAS, the Telephone Pioneers of America, established 82 years ago, is the world's largest voluntary association of industrial employees; and

WHEREAS, the Fort Pitt Chapter Number 13 has been in existence for 71 years and consists of 6,700 members throughout Western Pennsylvania. These members are retired and active Bell Atlantic - Bell of PA employees; and

WHEREAS, the members of the Telephone Pioneers of America perform community service related projects. This resulted in 303,549 hours of community service

during the 1992-1993 year; and

WHEREAS, the Fort Pitt Chapter of the Telephone Pioneers of America participated in such volunteer projects as providing companionship and "treats" for residents of nursing homes; hosting annual river cruises for Veterans; making and distributing Hug-A-Bears for use by police, fire and health care representatives to comfort traumatized children; assisting with the collection of "Toys for Tots" and clothes for "Project Bundle-Up"; preserving the environment through tree distribution, education and costal as well as highway "clean-up" efforts.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh recognizes the dedication, hard work, and effort put forth voluntarily by the members of the Fort Pitt Chapter Number 13 of the Telephone Pioneers of America to help improve and enhance the communities in which we live.

Mr. Onorato moved to adopt the resolution.

Mr. O'Connor seconded the motion.

Which motion prevailed.

Mr. Onorato presents

No. 1257 WHEREAS, Sergeant Elizabethalle was hired and came onto the City of Pittsburgh's police force on September 18, 1951. Sergeantalle is a dedicated and hard worker who always gave more than 100% on the job. She was made Sergeant on November 9, 1965; and

WHEREAS, Sergeant Elizabethalle's retirement date from the force is November 8, 1993; and

WHEREAS, Sergeant Elizabethalle, at

the age of 72, had dedicated 42 years of her life to working on the police force in the School Guard Division; and

WHEREAS, Sergeantalle, during her tenure in the School Guard Division, was responsible for 210 school guards, located in seven stations across the City; and

WHEREAS, Sergeantalle always took her responsibilities seriously and was truly concerned for the welfare of the school students who were given into her care. Sergeantalle always expected the best, not only of her crossing guards, but also of herself; and

WHEREAS, in addition to her responsibilities as a school guard, Sergeant Elizabethalle, a resident of 1175 Brintell Street, gives of her time to her husband, Frank, her two daughters, Pat and Donna, her seven grandchildren and three great-grandchildren. Elizabethalle is a dedicated wife, mother, grandmother and has given her whole self to both her job and family.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh recognizes Sergeant Elizabethalle for her years of dedicated service to the City and the many school children she has helped to keep safe over the years; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh declares Monday, November 8, 1993 as "Elizabethalle Day" in the City of Pittsburgh.

Mr. Onorato moved to adopt the resolution.

Mr. O'Connor seconded the motion.

Which motion prevailed.

Mr. O'Connor:

Would Barbara O'Connor, Ron Becker and Gregg Firestone please come up? For everybody watching out there, this is my cousin. This is Buddy's daughter. I'm Buddy's nephew. Everybody gets us confused. Her father is the famous race driver and anywhere we go in Pittsburgh they want to know how we're related. But she has done some things in her own right, too.

Mr. O'Connor presents

No. 1254 WHEREAS, the health of all citizens is a major concern and responsibility of health care professionals serving the citizens of this City; and

WHEREAS, qualified practitioners, who specialize in the use of medical radiation and imaging techniques to aid in the diagnosis and treatment of disease, share a commitment to bring the people of this City a safer environment now and in the future; and

WHEREAS, professionals in radiography are dedicated to the highest standards of professionalism and continually maintain those standards through education, life-long learning, credentialing, and personal commitment.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh recognizes the need to focus on the safe medical radiation environment provided through the skilled and conscientious efforts of Radiographers, Radiation Therapy Technologists and Nuclear Medicine Technologists in this City; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh does hereby declare November 8-14, 1993 as "National

Radiologic Technology Week" in the City of Pittsburgh and encourages all citizens to recognize this event and participate in its observance.

Mr. O'Connor moved to adopt the resolution.

Mr. Ferlo seconded the motion.

Which motion prevailed.

Mr. Becker:

As President of the Pennsylvania Society of Radiologic Technologists, District 1, I'd like to thank City Council, particularly Bob O'Connor for sponsoring this. The District is represented mostly by the technologists of the City of Pittsburgh and by the surrounding counties that surround the City. It's one of eight districts in the State of Pennsylvania.

Our mission for the society is for growth and education of Radiologic Technologists.

Again, I'd like to thank you for this.

Mr. O'Connor:

I forgot to mention that Barbara is from Ohio Valley, Ron is from Shadyside, and Gregg is from Mercy Providence.

I'd like to bring my cousin, Barbara O'Connor, up to say a few words. We're all very proud of the work she's been doing. I know she has been teaching all over for quite a while.

Ms. O'Connor:

This year the American Society of Radiologic Technologists has given us the theme to review our past. I'd like to think instead that we're reviewing our progress in the radiologic sciences.

Today, as a matter of fact, is the 98th birthday, or the 98th anniversary, if you will, of the discovery of X-ray. So it's a real fitting day that this would occur because November 8th is real important to everyone in radiology.

Again, I, too, would like to thank City Council and Bob for giving us this honor. Thank you.

Mr. Firestone:

I would just like to say thank you to City Council on behalf of all radiologic technologists and the clerical support staff that's behind them finding the films for the physicians. Thank you.

The Chair:

Thank you all.

Mr. Cohen presented

No. 3389 Resolution providing for the transfer from Code Account 53-1, Reserve Fund Debt Service Stadium Authority of the following sums: \$200,000.00 to Code Account 30, Business Tax Refunds and \$1,500.00 to Code Account 1061, Salaries Temporary Employees, Finance Department. The transfers are necessary to enable the Finance Department to make payments due in 1993 from these Code Accounts.

Which was read and referred to the Committee on Finance.

Mr. Cohen moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Smith seconded the motion.

Which motion prevailed.

Also,

No. 3390 Resolution electing to be within the field of operation of the Allegheny County Residential Finance Authority for the purpose of permitting a tax-exempt transaction which includes the refinancing of certain properties located in the City of Pittsburgh.

Also,

No. 3391 Resolution providing for an Agreement or Agreements with a consultant or consultants for consulting services to assist the City of Pittsburgh in acquiring state assistance and funding and to work with various agencies of government for the benefit of the City of Pittsburgh during 1994, at an aggregate cost not to exceed 30,000.00, chargeable to and payable from Code Account 1017, Misc. Services, Mayor's Office. This resolution shall be effective January 1, 1994.

Also,

No. 3392 Resolution amending Res. No. 882 of 1993 entitled "Providing for the filing of an application or applications by the City of Pittsburgh with the U.S. Dept. of Labor and/or Commonwealth of Pennsylvania for a grant or grants in connection with the Job Training Partnership Act; providing for the execution of grant contracts and for the filing of requisitions and other data providing for the appointment of the Private Industry Council and authorization for the Private Industry Council and the City of Pittsburgh to enter into agreements authorized by the Job Training Partnership Act, as amended; providing for required assurances; providing for the execution of payment vouchers and for certification of authorized signatures; providing for a contract or contracts with various

agencies/employers for services and programs related to training and employment for the Job Training Partnership Act projects; and providing for the deposit of funds into a bank account" by increasing the amount available for subcontractor agreements by \$724,938.00, and by adding SECTION 13 and SECTION 14 to provide for a transfer of funds to the Special Park Program Trust Fund (SPP) for wages and fringes.

Also,

No. 3393 Resolution providing for conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Also,

Which were severally read and referred to the Committee on Finance.

Mr. Darkins presented

No. 3394 Resolution vacating: (1) Raff Street from Anthony Street in a northwesterly direction a distance of 172.89 feet to Lot Number 35 laid out in the William Barker, Jr. Heir Plan; (2) Raff Street from Lot Number 35 laid out in the William Barker, Jr. Heir Plan to Lydia Street; (3) Lydia Street from Raff Street in a southeasterly direction a distance of 161.89 feet to Lot Number 40 in the William Barker Jr. Heir Plan in the 15th Ward, 5th Council District of the City of Pittsburgh. The Department of Finance places a value of \$1,500.00 as the cost for the private request for this vacation.

Which was read and referred to the Committee on Public Works.

Mr. Darkins for Mr. Ferlo presented

No. 3395 Resolution further amending

Res. No. 1348, eff. Jan. 1, 1993, entitled "Adopting and approving the 1993 Capital Budget; and the 1993 CDBG Program and approving the 1993 through 1998 Capital Improvement Program," by decreasing Project 8-Penn-Liberty Cultural District Street Improvements by \$1,100,000 from \$1,370,000 to \$270,000. (Council District No. 6)

Also,

No. 3396 Resolution amending Res. No. 69, eff. Feb. 16, 1993, entitled "Authorizing a Cooperation Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh providing for the transfer of an amount not to exceed \$1,370,000 to the Authority to be used for streetscape improvements in the Penn-Liberty Cultural District and providing for the payment of the cost thereof", by decreasing the cost from \$1,370,000 to \$270,000, chargeable to and payable from Penn-Liberty Cultural District Street Improvements. (Council District No. 6)

Also,

No. 3397 Resolution further amending Res. No. 1348, eff. Jan. 1, 1993, entitled "Adopting and approving the 1993 Capital Budget; and the 1993 CDBG Program and approving the 1993 through 1998 Capital Improvement Program," by increasing Project 473-Crawford-Roberts Renewal by \$1,100,000. (Council District No. 6)

Also,

No. 3398 Resolution authorizing a Cooperation Agreement or Agreements with the URA of Pgh. providing for the transfer of \$1,100,000 to the Authority for public improvements in the Crawford-Roberts Redevelopment Area, chargeable to and payable from Crawford Roberts Renewal. (Council District No. 6)

Which were severally read and referred to the Committee on Planning, Housing and Development.

Michelle Madoff presented

No. 3399 Resolution providing for the transfer of funds totalling \$29,525.17 from Code Account 1986, Materials, Dept. of Water to ARTF, Asphalt Reimbursement Trust Fund, Dept. of Public Works. This transfer is being made to reimburse the Department of Public Works for asphalt use in connection with street repairs as a result of work performed by the Department of Water.

Also,

No. 3400 Resolution providing for the transfer of funds totalling \$143,000.00 from Code Account 1922, Misc. Services, Dept. of Water to Code Account 1043, Misc. Services, City Information Systems. This transfer will cover various hardware, software, servicing and administrative costs incurred by City Information Systems for Department of Water computer equipment during 1993.

Which were read and referred to the Committee on Finance.

Mr. Smith for Mr. Ricciardi presented

No. 3401 Resolution providing for the issuance of a warrant in favor of Public Strategies, Inc., One Bigelow Square, Suite 616, Pittsburgh, PA 15219, in the amount of \$800.00 in payment for professional consulting services rendered to Councilman Eugene Ricciardi for the month of November, 1993, chargeable to and payable from Code Account 1001-2, Salaries, Wages and Services of Council, As Needed, (Index Code 100123), City Council, District No. 3.

---(SPONSORED BY MR. RICCIARDI)

Which was read and referred to the Committee on Finance.

The Chair presented

No. 3412 Communication from Councilwoman Michelle Madoff, requesting permission and reimbursement for Lieutenant Roger Vinyard of the Salem Oregon Police Department to travel to Pittsburgh for a presentation before Council for the purposes of sharing information about Salem, Oregon's curfew ordinances, at a cost not to exceed \$1,000.00, payable from Code Account No. 1001-1, (100115) Misc. Services, Supplies, Equipment, etc., City Council.

Which was read, received and filed.

UNFINISHED BUSINESS

The Chair presents

No. 3305 Resolution appointing Daniel E. Butler, 5710 Bartlett Street, Pittsburgh, Pennsylvania 15217, as a City Magistrate for a term to expire January, 1996.

Which was read.

Mr. Smith moved to approve the appointment.

Mr. O'Connor seconded

Michelle Madoff:

I have not had the pleasure of meeting the gentleman, but I have had so many calls from people I respect urging us to support him, that he would have my support. It is amazing to me the cross section of the community that has called from lawyers to people he has dealt with, people

he has worked with, people who have known him in community service, and I highly recommend him based on what I've heard.

Mr. O'Connor:

Again, I want to emphasize what we talked about in our meeting last Wednesday. I think he's an outstanding individual.

Michelle, as you say, it's a cross-section of the community. He has been very active in so many numerous charity functions and community functions, and also brings a great background to the court. I think he'll be an asset to the City and I urge my colleagues to support him today.

Mr. Cohen:

I just want to echo my colleagues' comments. I think that Mr. Butler will do an excellent job. He has had a great deal of judicial experience in the sense that he has worked in the courtroom for a long time and has the assets necessary for the job. And I think his answers were very thoughtful answers.

One of the things that I was concerned about was whether he would be able to dispose of cases quickly, and I think that having worked in Family Court he demonstrated that he will be able to do that. So, I think he'll do a fine job.

Mr. Onorato:

I just want to add that after meeting with Mr. Butler in my office and also speaking and asking questions here in Council last week, I'm impressed that Mr. Butler can be sensitive to individuals in our society that might not have the same advantages that we do or the less fortunate. But, at the same time, he can be tough when he has to, which he showed by going after deadbeat fathers who refuse to pay their child support. I

think you have to have both, be it the housing problem that we have with absentee landlords, or a father that doesn't want to pay child support. When you have to get tough, you have to show that you can do it and Mr. Butler obviously has been through it for many years and he knows when he has to be tough with individuals and, at the same time, be sensitive to the community that we're serving.

The Chair:

I was undecided about Mr. Butler. I intend to vote in favor of his appointment based totally on the interview I've had with him privately and his response to what I thought were some very pointed questions by members of Council, including myself, last week, particularly as it relates to the absentee landlord issue in the City of Pittsburgh and also in the area of how he would be and how he would act as it related to narcotics problems and some criminal types of situations that could come in front of the judge.

I also think that his expertise is very strong in the area of Family Court and is somewhat not as strong in the area of Criminal Court, but it appears to me that he's a fast learner and he's committed. And he's with us today.

Is there any further discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Michelle Madoff	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 6

NOES none

And a majority of the votes of Council being in the affirmative, the appointment of Mr. Butler was approved.

Also,

The Chair presents

No. 3379 Amendment to Rule VI of the Rules of Council which would comply with Pennsylvania Act 20 of 1993 giving an opportunity for comment by residents or taxpayers of the City which will be provided as a last order of business at the weekly Standing Committees Meeting of Council.

Which was read.

Mr. Smith moved to approve the amendment.

Michelle Madoff seconded the motion.

The Chair:

As Members of Council are aware, we are required under state law to permit the public to appear in front of Council in regard to pertinent issues facing this City and this Council. I believe that we have met the requirement of the law historically, but there has been an upgrade in the law and, therefore, a need for us to upgrade our rules. Basically, that is what is in front of us.

Mr. Cohen:

Mr. President, I appreciate all the work that Council has done to put this together. If we approve this today, will it go into effect the first Standing Committee Meeting thereafter? Or when do you intend to have this go into effect?

The Chair:

It would go into effect immediately. As a matter of fact, even without the bill, I think if anyone were to come in front of Council and ask to speak, we would be required by state law to permit that today.

Mr. Cohen:

Okay. Mr. Perry and I have discussed how that would occur at the end of a Standing Committee Meeting and I think we're fine with that. One thing that this doesn't say is who makes the judgment with respect to whether or not the subject matter that somebody wants to speak about is relevant to the matters before Council. I'll assume that means that it would be the Chair's prerogative subject to a majority vote of Council.

The Chair:

I agree.

Mr. O'Connor:

Would they have to notify us ahead of time in writing?

The Chair:

They would have to let us know, obviously, that day during that meeting. Sometime during that meeting we'd have to let the City Clerk or a Member of Council be aware of their desire to speak.

Michelle Madoff:

I don't think you can curtail someone's right to express an opinion or an idea, whether it is actually the business of this Council or not, because our tenacles go out into all kinds of areas and I don't think we even want to suggest that we would ask someone to submit the subject matter.

But there's one thought that I'd like to suggest we take a look at perhaps next year, although I won't be here, an amendment, and that is that, as you can see, what is happening is the time of Council, if anybody thinks this isn't a fulltime job, they're crazy. It's a double-time job. I don't think there's a member of this Council that doesn't put in at least 60 hours a week all year around. And you shouldn't begrudge any of us who get a little ill and need some time off.

But anyway, I think what we need to think about because the demands of Council are not going to get less, they're going to become greater, that we ought to have the committee that is being addressed on a specific subject be guaranteed that three people will be, and I've suggested this over the years, Mike, as you know, and I bet if you look through the files you'll see legislation that I've introduced that on public hearings, particularly ones that are not of major proportions where everybody is in agreement. For example, a builder comes in and says, "I want to show you what I did" or an architect wants to show you what he's going to do, and we're all in agreement, there's no opposition, you don't need to take up the time of all of Council. Why don't you have that Committee Chairperson and two other representatives of Council report back to the rest of the members.

I believe the State Code and Rules of Council provide, it's a matter of interpretation, it provides for the opportunity to do that, to have a committee that will represent Council. That doesn't mean that every member of Council cannot attend or won't attend. They may find the subject matter very interesting and will be there. But a quorum on that kind of hearing should be a member of three, not of five like a regular Council meeting. And then you could spread the limited number of people, although some people think it's too many, but if you have nine members of Council you can even have two hearings at the

same time. You could use another room. And you could expedite the Council and the City business and get Councilmembers sometime to address the innovative ideas that really make the substantive difference in the overall picture.

People forget that it isn't fixing a pothole in a community. You can almost call the Director yourself if you know how to get through, and I put out a booklet to the people in my community and half the people in the City could use to call Department Heads when they have a problem and how to go about it and how to make the call and how to be sure you'll get a return call.

The big issue is when a member of Council comes up with a creative idea and follows through on it, it could be something like Mr. O'Connor has done about collecting equipment for youth, to provide equipment. And, Dan, you've come up with many creative ideas and ethics. I know that Mr. Smith worked with me and he's extremely creative and he's a great watchdog. And I'm counting on him taking over for me. And I know that Mr. Onorato has let his talents to working out some legislation and making the big difference.

I don't want to pat myself on the back but I'm extremely proud of the fact that the legislation that I pursued that eventually became legislation on paramedics generates \$4 million a year to the General Fund. Basically, what happened until I got here and pursued this subject matter, was that if any citizen of the City was ill in a suburb and they used a paramedic, they were charged. I think it was \$100 fifteen years ago. But if anyone in the suburbs took ill in the City and used paramedic service or an ambulance, they weren't charged anything. So that particular piece of legislation generates a great deal of funds.

I can think of Councilmembers that aren't here that have done it, and I just can't think of them right off the moment, but I think our

President of Council has introduced legislation that has generated and helped the City. Sometimes it isn't money; sometimes it's the pursuit of getting beat police out in the communities. It could be anything.

That is the kind of input you want from your Council representative. You want somebody who is going to represent the City because if the City doesn't survive, there's no money for your individual community.

I thought it was appropriate at this time to touch on that.

Mr. Smith:

I will be supporting this piece of legislation, but I feel that what we have written is not the intent of the State Legislature which was to give public comment, and we have now limited it to any matter before Council. And I think their broad interpretation was to permit public comment and it was not limited to anything.

As I said, I will be supporting this bill because I feel that we must come into compliance with the state mandate, but I feel that we have probably taken it one step further. In fact, what we actually have said as comment is limited to matters which are or may be before Council, and unless determined otherwise by a majority of Councilmembers present, is limited to three minutes. Well, that part is fine, but I think we have gone one step beyond by limiting what can be said.

And I think Mr. Cohen and I will probably have a very lively debate the day that someone at the table when he is chairing wishes to not hear from an individual because their comments do not pertain to any legislation either presently sitting or upcoming.

But I will support this to bring us in with

compliance and I trust that the public understands that this opportunity that is being afforded through state law, now through the Council rules, is an opportunity to help direct those of us who make decisions that affect people's every day lives.

Mr. Cohen:

I don't want to take away from any future lively debate we might have, Councilman, but my intention, at least, is just as you stated, and that is to be very broad in interpreting this because I do think that we would have to have a very serious reason for denying somebody the opportunity to speak before Council. So, at least as long as I'm Finance Chairman, I intend to interpret that broadly and let people speak, subject again to a majority of Council.

The Chair:

I'm glad both of you have mentioned that on the record because I believe that is the interpretation of the state law. Virtually anything that would come up in the City of Pittsburgh, whether it be the Pirates or a street that needs repaved or whatever, could be part of that three minute discussion by an individual.

Michelle Madoff:

Mr. President, also the questioning by members of Council would go beyond three minutes, and if it was something that everyone was terribly interested in, you could have the dialogue as long as Council wanted to, subject to whoever is President of Council which will be the lively debate.

Mr. Smith:

Actually, we have afforded that opportunity, Michelle, in this rule change that allows a majority of Council to change the time

limit rule if someone should come up with a very provocative problem that we need to ask questions and dialogue on.

So, I think the bill is well-balanced and, as I said, I will be supporting the changes to our Rules of Council.

The Chair:

Is there any further discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Michelle Madoff	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 6 NOES none

And a majority of the votes of Council being in the affirmative, the amendment was approved.

REPORTS OF COMMITTEES

Mr. Cohen presented

Bill No. 3402

Report of the Committee on Finance for November 3, 1993 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3306

A Resolution entitled, "Resolution Repealing Resolutions, approved on various dates, authorizing the sale of properties in various Wards of the City of Pittsburgh, in accordance with Act No. 171 of 1984." (AS AMENDED IN COMMITTEE)

Which was read.

Also,

Bill No. 3307

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with Act No. 171 of 1984, 'Second Class City Treasurer Sale and Collection Act', effective December 11, 1984."

Which was read.

Also,

Bill No. 3308

A Resolution entitled, "Resolution providing for conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, 'Second Class City Treasurer Sale and Collection Act', effective December 11, 1984."

Which was read.

Also,

Bill No. 3309

A Resolution entitled, "Resolution providing for conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled,

'Second Class City Treasurer Sale and Collection Act', effective December 11, 1984."

Which was read.

Also,

Bill No. 3320

A Resolution entitled, "Resolution transferring the aggregate amount of \$51,000.00 to Code Account 1830, Salaries, Regular Employees, Index Code 183103 from Code Account 1804-3 Schenley Park Golf Course Trust Fund Transfer, Index Code 180430, the amount of \$23,000.00 and from Code Account 1132-7, Utilities, Index Code 113274, the amount of \$28,000.00."

Which was read.

Also,

Bill No. 3321

A Resolution entitled, "Resolution transferring the amount of \$20,000.00 from Code Account 1804-3 Schenley Park Golf Course Trust Fund Transfer, Index Code 180430 to Code Account 1831, Wages, Regular Employees, Index Code 183103 in the Department of Parks and Recreation."

Which was read.

Also,

Bill No. 3322

A Resolution entitled, "Resolution transferring the amount of \$50,000.00 from Code Account 1470-9 Workers Compensation, Index Code 147090 in the Department of Public Safety to Code Account 1808-9 Workers Compensation, Index Code 180893 in the Department of Parks and Recreation."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Michelle Madoff	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 6

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 3323

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Employees Mutual Association, in the amount of Five Thousand Eight Hundred Eighty-Seven Dollars (\$5,887.00) in payment of background services of newly hired police officers for the Administration Bureau. Payment is requested without previous authority of law."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass

finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Michelle Madoff	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 6 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3351

A Resolution entitled, "Resolution transferring the amount of Forty Thousand (\$40,000.00) Dollars from Code Account 1660-1, Premium Pay, Index Code 166017, Bureau of Environmental Services to Code Account 1501, Premium Pay, Index Code 150102, Bureau of Administration and transferring the amount of Ten Thousand (\$10,000.00) Dollars from Code Account 1612-5, Rental of Equipment, Index Code 161257, Bureau of Operations to Code Account 1501, Premium Pay, Index Code 150102, Bureau of Administration, all accounts within the Department of Public Works."

Which was read.

Also,

Bill No. 3352

A Resolution entitled, "Resolution transferring the amount of Thirty Five Thousand (\$35,000.00) Dollars from Code Account 1800-

1, Premium Pay, Index Code 180018, Department of Parks and Recreation, Bureau of Administration to Code Account 1700-1, Premium Pay, Index Code 170019, Department of Public Works, Bureau of Parks Maintenance and transferring the amount of Ten Thousand (\$10,000.00) Dollars from Code Account 1612-5, Rental of Equipment, Index Code 161257, Department of Public Works, Bureau of Operations to Code Account 1700-1, Premium Pay, Index Code 170019, Department of Public Works, Bureau of Parks Maintenance."

Which was read.

Also,

Bill No. 3353

A Resolution entitled, "Resolution transferring the amount of Forty Thousand (\$40,000.00) Dollars from Code Account 1612-5, Rental of Equipment, Index code 161257, Bureau of Operations to Code Account 1717, Salaries, Regular Employees, Index Code 171702, Bureau of Parks Maintenance, all accounts within the Department of Public Works."

Which was read.

Also,

Bill No. 3354

A Resolution entitled, "Resolution transferring the amount of Ten Thousand (\$10,000.00) Dollars from Code Account 1727, Wages, Regular and Temporary Employees, Index Code 172700, Bureau of Parks Maintenance, Forestry Division to Code Account 1721, Salaries and Wages, Regular and Temporary Employees, Index Code 172106, Bureau of Parks Maintenance, Housing Division, all accounts within the Department of Public Works."

Which was read.

Also,

Bill No. 3355

A Resolution entitled, "Resolution transferring the amount of Five Thousand (\$5,000.00) Dollars from Code Account 1727, Wages, Regular and Temporary Employees, Index Code 172700, Bureau of Parks Maintenance, Forestry Division to Code Account 1728-1, Premium Pay, Index Code 172817, Bureau of Parks Maintenance, Point Park Division, and transferring the amount of Five Thousand (\$5,000.00) Dollars from Code Account 1727, Wages, Regular and Temporary Employees, Index Code 172700, Bureau of Parks Maintenance, Forestry Division to Code Account 1728, Salaries and Wages, Regular and Temporary Employees, Index Code 172809, Bureau of Parks Maintenance, Point Park Division, all accounts within the Department of Public Works."

Which was read.

Also,

Bill No. 3376

A Resolution entitled, "Resolution authorizing the transfer of Five Thousand Dollars (\$5,000.00) from Code Account 1404, Index Code 140400, Supplies and Materials, and Five Thousand Dollars (\$5,000.00) from Code Account 1405, Index Code 140509, Equipment, for a total of Ten Thousand Dollars (\$10,000.00) to Code Account 1401, Index Code 140103, Miscellaneous Services, Bureau of Administration, Department of Public Safety."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Michelle Madoff	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 6

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Darkins presented

Bill No. 3403

Report of the Committee on Public Works for November 3, 1993 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3312

A Resolution entitled, "Resolution providing for a Contract or Contracts, or the use of existing Contracts for flexible beam guiderails throughout Riverview Park and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Michelle Madoff	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 6 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Ferlo presented

Bill No. 3404

Report of the Committee on Planning, Housing and Development for November 3, 1993 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3105

A Resolution entitled, "Resolution adopting a Tax Incremental Financing Plan presented by the Urban Redevelopment Authority of Pittsburgh, creating the Pittsburgh Technology Center Tax Incremental Financing District, and making certain findings."

Which was read.

Mr. Smith:

On the tax incremental financing bill, No. 3105, I think that this is a major step for the City and finding alternative ways of financing projects. I am in support but am only in support in that we will get accurate records, we will actually be able to tell whether or not this is a beneficial process and procedure for financing of future projects so that we can have some accurate information.

I think that the public should know that this is the first project being done in the City of Pittsburgh under such a financing mechanism.

I think that we need to thank the School Board and the County for going along with this new method for financing projects in the City.

I still have some questions and will raise them each time we produce a project using the TIF financing mechanism, but I think that it should be supported as an alternative and an opportunity to complete a project that we have now been working on for over a decade.

Mr. Cohen:

On the same bill, I agree with Councilman Smith. I'm glad to see that finally tax increment financing will become a reality. We've been talking about it, frankly, for a couple of years now and it's finally going to happen. The result is a development on the Pittsburgh Technology Center that I think will be a fabulous development bringing hundreds of permanent jobs and thousands of construction jobs.

One question that did arise at the Wednesday session, and Councilman Smith was very much on top of this, was with the construction of the parking garage there is a complicated arrangement for ownership there

which is that the URA will own and construct it. They will lease to RIDC who will then re-lease to Union Switch and Signal.

We did ask for information before today on how much RIDC would be charging to be that middle person between Union Switch and URA. I don't believe we've received that information. I don't want to hold this up because I think it's a very important financial arrangement for the City of Pittsburgh, but I do expect to get that information from the URA.

So, Mr. Perry, if you could send a follow-up letter to the URA to make sure we get that, I would appreciate it.

Mr. Smith:

Councilman Cohen, you asked for specific information. You asked for it before we voted on the bill. I presumed that you received it alone because I do not remember seeing anything crossing my desk. I actually believe that when this body asks for information for anything that we are ultimately responsible to the general public, we have the right and the ability —

Mr. Cohen:

Mr. Smith, I'm sorry to interrupt. My Administrative Assistant just handed this to me which is a letter from Mr. Birru. I don't know if other members of Council received it but this apparently was clocked in on Friday afternoon. So, we did receive an answer here and I certainly think that everybody should have an opportunity to read it and digest it. But apparently we did receive an answer.

Mr. Smith:

Well I was about to motion that we hold the bill. But if it came over — This is an anomaly of having the meeting on Monday.

Mr. Cohen:

Yes, it is. What I might suggest is that we go forward with this, but then let's you and I sit down and study this letter and follow it up with Mr. Birru.

Mr. Smith:

Very good. Thank you.

Mr. Onorato:

I just want to echo my colleagues in that this is a very important bill because there's a lot of projects in all of our districts that can benefit from tax increment financing.

But the one important point that came out of last Wednesday's meeting, and I'd like to stress here again to the people listening, and really reassured me that this can work, is that Union Switch and Signal, the anchor partner in this whole deal, they are guaranteeing a minimum assessment value of their property which would be enough to pay back the indenture that would be taken out on this property.

Knowing that, if these are the types of agreements we can have, it's a no-lose situation for the City. In the worst case scenario, we hit the minimum that they're required to pay us and we pay off our debt and we have property on the tax roll. The best case scenario is that the land does go up in value, then the excess is applied to the City for other projects.

So, I think it's long overdue and it's time to move forward on this type of financing.

The Chair:

I'd like my comments brought forward and I'd like to compliment everyone involved in

making this happen, especially Carnegie Mellon University and President Robert Mehrabian who played an extremely active role in getting Union Switch and Signal to agree on the Pittsburgh Technology site.

Mr. Cohen:

I'd like my comments brought forward on that bill as well.

Mr. Onorato:

I would like my comments brought forward, too.

(REMARKS ON FOLLOWING PAGES)

(MESSRS. COHEN, ONORATO AND WAGNER'S COMMENTS ON BILL NO. 3105)
(Wednesday, 11/3/93)

Mr. Wagner:

I will be brief, Mr. Chairman. Director, I appreciate the letter you sent me in regard to the garage and the financing of the garage. I am still not -- and I think I have justification -- I still have no confidence in this city or the URA in terms of building garages in a cost effective fashion and doing a good job. The Shadyside garage is proof of that and the cost of that garage, and also the cost of the garages that have been built by the Parking Authority. I still think that figure is too high. Where we own the land, which we own the land in this proposed facility, and this is also the case at Shadyside, the cost has been through the roof on these garages and should not be. I don't know if we are paying too many consultants, architects or too many whatevers, but we have to get the cost of this facility down to less than what it is. With all the infrastructure in place at that location, this garage should be costing us less than \$12,000.00 per spot, which is, in essence, what is being proposed. If Station Square can build a garage that is aesthetically pleasing at \$6,000.00 per spot, we can maybe not be that low, because that was about eight years ago, but we can certainly get close to that number. I am only asking you to sharpen your pencil and go back and look at that again. In doing so, we can reduce the overall figure and the need in terms of tax increment financing.

Mr. Birru:

I think there is one correction. Our estimate is based on about \$10,000.00 per parking space. What makes it look a little bit more expensive is the financing fees and other fees related to the development of the project, the soft costs, so on. But the hard costs are in the neighborhood of about 10,000 per parking space, which that is competitive in the market right now.

No. 2, I am very much aware of your concerns because you have been telling me this for the last six months. I have been very careful in terms of advising my staff of engineers and the consultants that we have hired that we have to come up to Council and convince Councilman Wagner, because he has questions on this issue. As a result of that, we did adequate research on the prefab parking garages, and, quite honestly, based on the assessment of our engineers, it would be slightly more expensive to have prefabricated garages done than what we are proposing, which is a pre-cast prefab, anyway. But in the type you are recommending, we will have to pick up from the shelf a kind of parking garage and make it fit into our site. But what we have done is designed what we want and go to the market and say, "Prepare some precast concrete," and that we believe will bring

the cost significantly down, compared to other technologies.

Mr. Wagner:

I appreciate that, but again, I am asking you to oversee this project in a manner which is as fiscally accountable as possible. There is no way I would stand in the way of this project; I support it and will vote for every piece of legislation that you bring forth that appears to be reasonable in regard to the Technology Center. Having Union Switch and Signal locate there is one of the best things that has happened in the city over the last ten years. I want to see that technology site move forward and move forward aggressively. I know all of you are doing a fine job.

But again, look at our record on garages in the city and the cost of it and our debt service, and it is higher than what it should be. Look at the other garages that are built by the private sector. Parkway Center was 5,000 per spot and was just done four years ago. It is a beautiful facility. I think we are spending too much to build these facilities. The costs need to be streamlined in every way possible.

I just ask you to keep a watchful eye on that.

Mr. Birru:

We shall do that.

(Deleted remarks.)

Mr. Cohen:

First of all, the tax increment financing proposal, of course, includes three parties, of which the city is only one, the county and school board are the other two. It sounds like what you are saying today is the county and school board have now endorsed this project and have agreed to participate in the financing of the project.

Mr. Birru:

Yes. The board of the two taxing bodies have adopted a resolution to pledge the taxes for 20 years.

Mr. Cohen:

Have they adopted that through an official legal resolution?

Mr. Birru:

Yes. We went before the two regulations, we presented the same financing plan, and we made presentations. They had

questions, but they were very much in support of the project and they have made their pledges.

Mr. Cohen:

I am very happy to hear that, because unless I am mistaken -- which I could be, I am often, but I am asking you whether I am on this -- this would be the first tax increment financing project that would be done by the three taxing bodies?

Mr. Birru:

Not only the first in Pittsburgh, but probably the first in Pennsylvania.

Mr. Cohen:

That is what I mean, in the City of Pittsburgh. The Station Square project is also set for tax increment financing, but that is behind this one.

Mr. Birru:

That's right.

Mr. Cohen:

I think that is a very important precedent in the City of Pittsburgh, because tax increment financing is a very progressive idea in which the future taxes are actually used to finance the project. In cities and other governmental units where we are strapped for money at a time when you have a stagnant economy, I think tax increment financing gives us a way to do development projects that we might not otherwise do. So that sets a very important precedent.

I am unclear as to what the first step will be once the plan goes into effect. Is there a bond that is floated by the three taxing bodies that is then amortized over 20 years by all three?

Mr. Birru:

Right. This is the last action that we have in Council. All actions have been taken so far. The School Board has adopted and has also pointed --

Mr. Cohen:

Assuming this goes forward, then what is the first financial step that is taken to make this happen?

Mr. Birru:

Our next step will be to have a private placement to secure the bond financing for 20 years, and there will be a trust that will be created. The trust will be, as you said, by the three taxing bodies, including the URA, which will be receiving in the payment of the bond and providing information to the three taxing bodies, and money to the development of the tax increment financing district and project over the coming 20 years.

Mr. Cohen:

It is a bond that is repaid through this tax increment financing?

Mr. Birru:

That is correct, yes.

Mr. Cohen:

I am unclear as to the relationship between the URA and the RIDC over the parking garage. Who actually constructs the garage and who will own it?

Mr. Birru:

The URA will construct and own the garage and will lease the garage to RIDC who, in turn, will lease the garage to Union Switch for over 20 years.

Mr. Cohen:

That has been part of this that has confused me from the beginning. Do we need to have a double lease like that? You are saying URA will own and build it. We lease it to RIDC, who in turn leases it to Union Switch. Why does it have to be a double lease like that?

Mr. Birru:

It didn't have to be that way, and that was not really our preference. We are not in the construction of parking garage. But RIDC was not prepared to build a garage. They believe they have assumed enough responsibility with the building itself and they asked us to take the other responsibility of developing the parking garage. It wasn't our choice, really.

Mr. Cohen:

I guess my question is what role does RIDC play in the garage aspect? I know what role they play in terms of the

overall Union Switch and Signal.

Mr. Birru:

They lease from us the garage, and they will, in turn, lease in the master lease arrangement both the building and a parking garage to Union Switch.

Mr. Cohen:

Why do we need them as a middleman?

Mr. Birru:

Simply because Union Switch does not want to deal with a third party over the garage, they wanted to lease as one package a master lease from RIDC.

Mr. Cohen:

Okay. I am still confused, but as long as RIDC doesn't -- no one is making money on this garage, right? The lease and sublease are both for the same rental, are they not?

Mr. Birru:

We will be receiving 91,000 a year from RIDC.

Mr. Cohen:

How much are they receiving from Union Switch?

Mr. Birru:

That will be part of the lease for the building which will include the parking garage, you know, assuming the parking garage is a part of the building.

Mr. Cohen:

How much are they taking off the top?

Mr. Birru:

I am not so sure about the figure.

Mr. Cohen:

Could you provide that for us, please?

Mr. Birru:

How much the lease is?

Mr. Cohen:

Yes, how much the lease is between Union Switch and RIDC. We certainly know between RIDC and URA; you are saying that is \$91,000.00.

Mr. Birru:

That's right. That is built in the price to Union Switch basically.

Mr. Smith:

Mr. Chair, I think what you are going to get back is a number that you cannot distinguish from the lease of the building from the lease of the parking lot. Addressing your question, which I think is a very valid one, is someone being an agent and walking away with 10 percent? Is there a 10 percent markup, a 20 percent markup as a middle man? I think that is a very valid question. I hope that they can get it for us as you originally requested.

Mr. Cohen:

I would like to know what RIDC --

Mr. Birru:

-- is getting as part of the lease, right. But that will tell you how much Union Switch is paying for that.

Mr. Smith:

See.

Mr. Birru:

It might be like \$15.00 a square foot a year. For Union Switch, they don't care, that includes an availability of parking spaces for their employees and guests.

But the agreement is between us and RIDC saying how much RIDC is prepared to pay us to make the deal work.

Mr. Cohen:

So Union Switch will be paying -- their employees will be paying a certain amount for each space?

Mr. Birru:

I don't believe that.

Mr. Cohen:

They pay a flat fee, then, to RIDC?

Mr. Birru:

My understanding is they have free parking.

Mr. Cohen:

Okay. But it is not really free, because they are paying -- since it is a lease arrangement, they are paying some fee.

Mr. Birru:

It is free to the employees.

Mr. Cohen:

Right, but not the employees individually, that is the difference. That is great, that brings more employees to the city.

But I still want to know what percentage or amount RIDC is getting from this deal. Am I making myself clear?

Mr. Birru:

It is very difficult to determine. But we can tell you how much they receive in terms of rent per square foot per year from Union Switch.

Mr. Cohen:

Okay. Why don't we start with that?

Mr. Birru:

I think the other point also is in consideration of the construction, RIDC gave us one-half million dollars towards the construction of this.

Mr. Cohen:

That was going to be my next question on financing.

Mr. Onorato, did you have a question on that same subject? Why don't we finish here?

On the financing, the actual dollars that go into the

construction of the parking garage, the state has given us approximately \$1.5 million.

Mr. Birru:

\$1.455, yes.

Mr. Cohen:

The entire garage, you are saying, is about \$7.5 million?

Mr. Birru:

It is about \$7.5 million. The way we are going to raise the money is we got a big grant from the state for \$1.45 million, RIDC gave us one-half million, that is a grant towards the project, the bond will be about \$5.5 million and other sources of about 100,000.

Mr. Cohen:

Did we not also get one-half million dollars from Union Switch and Signal, or is that one-half million you are referring to?

Mr. Birru:

That half million is from RIDC.

Mr. Cohen:

So the rest becomes the bond?

Mr. Birru:

That is correct. About \$5.5 million, that is our estimation.

Mr. Cohen:

It is amortized, you say, over 20 years?

Mr. Birru:

That is correct. We will be paying for it for 20 years.

Mr. Cohen:

Well, if you could provide that information about the funding between the lease and the sublease as best as you can determine between now and Monday, I would appreciate that. Other Councilmembers may have follow-ups on that.

I do think that this is a very important development project and want to congratulate you for all the work you have done in bringing Union Switch and Signal to the City of Pittsburgh. At a time when there are precious few development projects in the City of Pittsburgh, that is a very important one that I think will bring a great number of jobs in economic development.

As far as the details on the parking garage, though, I would like to see those figures before our final vote, please.

Mr. Birru:

Okay.

Mr. Onorato:

Director, on the bond, \$5.5 million, I want to clarify something to make sure I understand it and for anyone listening.

The way the tax increment financing will work for the \$5.5 million is that the payment the county, school board and city will give up to pay the bond, it is based on the increment in the assessed value. That increment of taxes will be used to pay off the bonds; correct?

Mr. Birru:

Other than the increment starts from zero.

Mr. Onorato:

Assuming it is zero and it is worthless until we invest. Now, every increase in value and tax revenue that comes from that increase will be used to pay off the tax increment financing bond?

Mr. Birru:

That's correct.

Mr. Onorato:

In 20 years when the bond is paid off, whatever the value of that property is, in year 21 those taxes revert back to the city, county and the school board?

Mr. Birru:

Correct, and probably even before then. The county assesses the property, say, five years from now to a higher amount, then there is extra tax revenue that can come in, it will either pay the bonds and pay the bonds much faster than the 20 year or to go back to the three tax bodies.

Mr. Onorato:

Here is the \$5.5 million question. What happens if the increment and the value of the property does not reach what we anticipate it will be to pay back the bonds? Who pays the difference?

Mr. Birru:

Right now we have a guarantee.

Mr. Onorato:

From?

Mr. Birru:

From both Union Switch and RIDC that the building will be assessed at not less than that minimum.

Mr. Onorato:

That minimum, I assume, will pay the minimum debt service?

Mr. Birru:

It will help us --

Mr. Onorato:

Will it pay the debt service at minimum?

Mr. Birru:

It will pay the debt service at minimum amount right now, which is better than market value.

Mr. Onorato:

So the minimum covers the debt service?

Mr. Birru:

Yes.

Mr. Onorato:

Then in that case, we are in pretty good shape. We pretty much have a guarantee, if you are telling me the lease is for 20 years with Union Switch and they are guaranteeing the minimum assessment, so the bonds will be paid off through their taxes they pay, which is the increment.

Mr. Birru:

That is correct.

Mr. Cohen:

May I follow-up on that one question? What if the actual assessed value by the county, I guess, is less than the guaranteed minimum? Does Union Switch and Signal make up that difference?

Mr. Birru:

They have accepted that will be the minimum and they will be paying taxes based on that minimum assessment.

Mr. Cohen:

Obviously, they don't determine what the assessment should be.

Mr. Birru:

By the way, that is in the plan that we have submitted to Council.

Mr. Onorato:

You have the minimum. If it comes back assessed higher, everything above that minimum will be used to pay the debt first; correct? We don't take the excess, do we, above the minimum, meaning the city? It goes to the bond payment; correct?

Mr. Birru:

It depends if the desire is -- I would advise, yes, let's pay the debt, so instead of paying it for 20 years, it is paid off in, say, 15 years.

Mr. Onorato:

Whose decision is that, what to do with the excess above the minimal?

Mr. Birru:

There will be a trustee and the three taxing bodies have --

Mr. Onorato:

Would that have to come in front of Council of what to do

with the excess?

Mr. Birru:

I don't believe so.

Mr. Onorato:

So in the agreement, we are giving, I guess, the leeway to the trustee to make that decision to either use it to pay off the bond sooner or give it back to the taxing bodies?

Mr. Birru:

Right. The three of them will agree.

Mr. Cohen:

We have with us today -- we have co-bond counsel here. Sir, could you come up, as well? And we also have the gentleman from the engineering firm.

(Remarks continued on next page.)

(Transcribed by: Helen L. Kriebel, Stenotype Reporter)

(CONTINUATION OF MESSRS. COHEN, ONORATO AND WAGNER'S COMMENTS ON
BILL NO. 3105, WEDNESDAY, NOVEMBER 3, 1993)

The Chair:

We have co-bond counsels here and we also have the gentleman here from the engineering firm.

Ms. Buss:

Just to elaborate on a question you were asking about, the disposition of any excess revenues. In the cooperation agreement and the concept that's been agreed to by resolution by the School District and the County provides that if there is excess revenue it will be used to pay down the bonds earlier which just means it comes back to the taxing bodies earlier.

The Chair:

So it shortens the amortization period.

Ms. Buss:

If we were to attract additional development in the district that was taxable, those taxes as well would go toward paying this off it would be paid off sooner.

Mr. Onorato:

One final question because this sounds like a great arrangement for the City. If the scenario happens where the minimum kicks in that the assessed value is lower than what we anticipate and we have to use the agreement of the minimum value to pay down the debt service, after the 20-year period if for some reason the value never reaches what we anticipated, Union Switch & Signal or the owners of these buildings they don't get any type of credit for taxes paid do they?

Ms. Buss:

No.

The Chair:

Do you happen to know what the guaranteed minimum assessed value is?

Dir. Birru:

Yes.

Ms. Buss:

The projection is that at that minimum you have 125 percent coverage of the debt service, so even the minimum is giving you something.

Dir. Birru:

It will be \$3,750,000.00 for the building and \$166,000.00 for the land and this derived from the actual cost associated with the development of the building which is about \$50 million.

The Chair: All we all prepared to vote? All those in favor signify by saying aye? Opposed? The ayes have it. Let's move to the other URA bill if we can.

(END OF COMMENTS)

PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

Also,

Bill No. 3106

A Resolution entitled, "Resolution authorizing a Cooperation Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh, the County of Allegheny and the Pittsburgh City School District providing for the financing, monitoring, implementing and terminating of the Pittsburgh Technology Center Tax Incremental Financing District."

Which was read.

Also,

Bill No. 3315

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire certain property in the 17th Ward of the City of Pittsburgh owned by USX Corporation and designated in the Deed Registry Office of Allegheny County as Block and Lot 12-A-130 and 12-E-120, under the Residential Land Reserve Fund for the sum of \$612,000.00."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen
Michelle Madoff
Mr. O'Connor

Mr. Onorato
Mr. Smith
Mr. Wagner

(Pres't)

AYES 6

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Smith presented

Bill No. 3405

Report of the Committee on General Services for November 3, 1993 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3325

A Resolution entitled, "Resolution providing for the City of Pittsburgh to participate in or purchase off contracts for goods, materials or equipment entered into by the County of Allegheny, pursuant to the Pennsylvania Intergovernmental Cooperation Law, Act 180 of 1972 as amended by Act 148 of 1986."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen

Mr. Onorato

Michelle Madoff Mr. Smith
Mr. O'Connor Mr. Wagner
 (Pres't)

AYES 6 NOES none

And a majority of the votes of Council
being in the affirmative, the bill passed finally.

Mr. O'Connor presented

Bill No. 3406

Report of the Committee on Parks and Recreation
for November 3, 1993 transmitting one
resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3326

A Resolution entitled, "Resolution changing the
name of Alton Field in the 19th Ward of the City
of Pittsburgh to Jim Rawe Field."
---(SPONSORED BY MR. WAGNER)

Which was read.

The Chair:

I'd like to thank all Members of Council
for their support on this bill and I'd like my
comments brought forward for the record.

(REMARKS ON FOLLOWING PAGES)

(MR. WAGNER'S REMARKS ON BILL NO. 3326 - Wednesday, 11/3/93)

Mr. Wagner:

Discussion. Thank you, Mr. Chairman, members of Council. Director, you and I spoke about this Monday, and I sent you and all members of Council five supporting letters from various community and nonprofit organizations that support this initiative.

I simply want to state as briefly as I can, I am truly honored to present this resolution to rename this field, this field which is named after the street that it is on. There is also a playground there and a basketball court. I am not proposing we change the name of the playground or the basketball court, but simply the field.

Mr. Rawe, the person that we are changing the name in honor of, has truly been a dedicated individual to the community of Beechview in the South Hills for decades. If you glance through some of the correspondence I have received and shared with all of you, you can see the kind of dedication which really is exceptional. I want to briefly state some of those comments.

The Beechview Athletic Association, for instance, the president, Bill Napp, wrote a letter indicating that Mr. Rawe has been involved in coaching in Beechview for over 40 years. He first started by raising the funds necessary to operate the teams by himself in the little league. That little league was actually the Lion's Little League, then evolved into the Beechview Athletic Association. Today there are 22 baseball teams for boys and 14 softball teams for girls and over 500 children participating. He has been extremely active for years, and this organization, the Beechview Athletic Association as indicated by Mr. Napp, thinks this is a great idea.

The Beechview Community Council indicates in a letter from Gloria Bondi, the president, that Mr. Rawe has created the proper atmosphere in which children can mature and eventually participate in our community as adults. Mr. Rawe has been doing just that for nearly 50 years, written by Gloria Bondi.

The Beechview Lions, letter from the president, Gerald Richards, indicates how active Mr. Rawe has been not only in athletic programs, but Meals on Wheels, AARP, the Church organizations, chairmanship of various committees, and that he exemplifies the Lion motto: "We serve." They wholeheartedly support this change.

The West Liberty Athletic Association, which is an Athletic Association for both Beechview and Brookline, indicates in a letter from Mr. James J. Kennedy, the president, that, "Our organization has held numerous charitable events to benefit the young people of Brookline and Beechview. Our group stands squarely behind the effort to rename Alton Field to Jim Rawe Field based on his involvement and the many, many projects of which he has been involved to help the youth of the community."

And finally, a fifth letter from the Typographical Union,

which is the oldest labor union in Pittsburgh, a letter written by the president who indicates that Mr. Rowe is a man who not only has taught baseball, but also self-discipline, self-worth and other character building traits to the youth of the community, and that they wholeheartedly support this name change and would be an honor not just to Mr. Rowe, but also to the community.

I again am honored to present this kind of resolution. As all of you know, I seldom come forth with a name change, I can't recall the last one; it had to be four or five years ago. And I only do it where I truly feel that the people want it to happen in the community, and that is the case with this field. I also properly research and determine whether or not the name change should occur. In this particular situation and knowing Mr. Rowe, I can't think of a person who is more of a community oriented caring person. And finally, it would not in any way be confusing to change the name of the field, because the playground would still carry the name of Alton and we would simply be changing the name of the field in honor of this individual and their dedication to the community of almost 50 years.

So I would hope that all of you would please support the resolution. If you have any questions, I would be more than happy to answer them.

(END OF REMARKS.)

(Transcribed by: Helen L. Kriebel, Stenotype Reporter)

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Michelle Madoff	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 6 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

MOTIONS AND RESOLUTIONS

Michelle Madoff:

I had an interim approval that was circulated to my colleagues but at the advice of Mike Perry, the expert, the suggested that what we do is re-move the motion on Council today so that we don't get into a position where the Administration decides arbitrarily not to pay for that person. As long as we keep it under \$1,000, we can do that. And in order to have it under \$1,000, we have to allow our guests enough time to book a reservation at a discount rate.

The person, you may recall, that I had asked to have in is Lieutenant Roger Vinyard from Salem, Oregon, who will come in and tell us a little success story on a curfew in his community. That doesn't mean we have to have one. That means we could hear a broader aspect in a community that has had success. It's an

innovative way that they use it and it's not used across the City all the time and I think it's something we ought to learn about.

You've already supported me by interim approval and I now ask that we do it so that we can be assured that person will be paid and not come out of my hide.

Mr. Smith seconded the motion.

WHICH MOTION PREVAILED.

Michelle Madoff:

You know, I just circulated something to people in the room that I thought was fascinating. I am not a wordsmith. I wish I could speak as well as Cyril Wecht or Buckley or some of my colleagues. My colleague to my right, who is not here, Jim Ferlo, has the gift of gab, and some of my other colleagues have that.

Mr. O'Connor:

You don't do too bad yourself.

Michelle Madoff:

It takes me too long to say what you can say in a couple of sentences.

Anyway, I took this out of an article in a Charleston newspaper and it was written by Buckley. Buckley is not usually one of the people whose ideas I endorse. He's almost as conservative as my boyfriend.

Anyway, in his closing comments he says, "And drugs. Will the moment never come when America reasons that fewer human beings will be hurt by the dispensation of drugs at market manufacture price than at black market prices? And those that would be hurt would be those who had inflicted the hurt upon themselves, not

innocent taxi drivers trying to make a living." This was referring to the parade in New York, I believe, of the cab drivers who are being bumped off left and right by young hoods.

Basically, what I'm saying is that after very careful consideration, I have leaned towards legalizing drugs and I am absolutely convinced that it is the only hope that we have, in the same way that I think the only hope we have is to, and I think it was a brilliant idea that Mr. Wagner came out with, which was to do something about controlling the ammunition, not just the guns. I think we have to start looking at this kind of action or it is hopeless.

One of the things that I would like to report is that in Charleston, the Chief of Police there who is a phenomenal person, has a situation where all police are truant officers. Every police officer. If they see a youngster on the street during the day, he's taken to school and the parents are called at the school, etc. And the crime rate has gone down during the daytime significantly.

I would suggest in the coming years, although some of us will not be here, that you might think about bringing success stories to the City. Having people who have had success stories and at least listening. You may not want to do what they've done, but you may pick up an idea that would be applicable to our community.

That is a gentleman that I think you would love to have come in but, at this point, I have this one request that you've already voted for and I just wanted to share my thoughts with you. I won't be here, we're going to wind up our budget hearings somewhere at the end of December, and I just wanted to share some of those thoughts with you.

The Chair:

Thank you, Councilwoman Madoff.

Mr. Cohen:

Mr. President, two major events have occurred recently regarding cable television in Pittsburgh. One is that Bell Atlantic has said that they would consider selling off TCI to another company for the cable franchise. And they've actually said or commentators have said that they were going to spin off TCI to another company.

The other development which just occurred is that the City, the Cable Bureau, has granted permission to TCI to continue construction of a new fiber optics system into this City, which is really the new technology in cable television.

I would like to just comment briefly on both of those. One is to put Bell Atlantic on notice that they can't just spin off a company that is so important as our cable company. The Pittsburgh Code, the City Code, and the franchise agreement are very clear in saying that City Council and the Mayor have the right, and I think it's a right that we should exercise, to approve any sale or transfer or lease of the franchise agreement to another company.

As I said, you can't just spin off a company that affects over 100,000 consumers in the City of Pittsburgh. And if it's going to be sold or transferred, it must be transferred to a responsible company that is sensitive to Pittsburgh customers, frankly, a company unlike TCI. And I think that we should put Bell Atlantic on notice that this is an important franchise, that it affects over 100,000 customers, and it's one that they should take serious consideration in deciding who to sell or lease that company to. And, moreover, that the City of Pittsburgh will step in and make sure that it's a responsible

company.

On the second part which is this permit for expanding the fiber optics network, the fiber optics technology is a new technology and one that I very strongly support. It's the state of the art for cable television. My only problem is that it could, depending on the ownership of that capital equipment, it could cost more for the consumers. And this is my worry. TCI has said, and it was in the Post Gazette on Saturday, that they will continue ownership of this new fiber optics network. They're putting a lot of money into building it.

If they continue ownership even after Bell Atlantic comes in, buys TCI and sells it to yet a third company, what could happen is that the new cable owner would have to lease the equipment from TCI, which means that TCI would be a middle layer, yet another layer, which of course would be another layer of cost that would be passed on to the consumer.

TCI and commentators have said that this new fiber optics network will help create an electronic information super highway for Pittsburgh. I'm all for that but I don't want another toll booth created for Pittsburgh consumers.

So, what I would like to suggest and move for today is that TCI has to submit their rates and documentation to the City of Pittsburgh by November 15th, just a week from today, and that's required, of course, under the legislation that we recently passed.

I would like to move that we send a letter to TCI saying that with their rates submission, they also should tell us what their present intentions are on both of these subjects, what their intentions are with respect to the future of the company. They may not be able to tell us that but we want to know at least what their present intentions are. And, more importantly, what their

intentions are with respect to the ownership of that fiber optics network.

I think that will begin the process of examining not only TCI's rate structure which they have to submit to us by November 15th, but also examining the future of cable television in Pittsburgh.

Michelle Madoff:

Mr. Cohen, is it legal or illegal for the City to float a bond and have an authority take over the cable company?

Mr. Cohen:

I don't know the answer to that.

Michelle Madoff:

It's not a bad question.

Mr. Cohen:

Well, I would like cable television to stay in the private sector. Ultimately, we need competition in this industry. Unless we have competition, we're going to continue to see massive rate hikes like we have from TCI.

Michelle Madoff:

I agree with you but I'm thinking as an interim to protect the City. Maybe make a profit at the sale.

Mr. Cohen:

I think that City Council has been responsible with respect to cable so far, and I think we can continue overseeing what the cable television future is going to be. But that means that we have to have a cooperative cable television company. So, let's take the first step

and see if they'll cooperate.

The Chair:

Councilman, do you have a motion or do you want to move in any direction?

Mr. Cohen:

Yes. My motion is that we send a letter to TCI saying that by November 15th, that they include with the rates that they have to submit to us, what their present intentions are on ownership of the company and ownership of the fiber optics system.

The Chair:

You would like them to respond back to us by the 15th?

Mr. Cohen:

Yes.

Mr. Smith seconded the motion.

Michelle Madoff:

I have a friendly amendment. I would suggest that you point out that ultimately they will have to come before Council for their vote and that your request is not just to be nebby. You need the information and that you'd like to have a clear idea, as you stated, as far as where they're going and you'd like it tout de suite. You don't want to get it 24 hours before you have to vote. Same old tactic.

The Chair:

I would suggest that we send it certified and get it out immediately because the 15th is a week from today.

All those in favor? Opposed?

WHICH MOTION PREVAILED.

Mr. O'Connor:

Different subject. I would like to commend the Pittsburgh Police Force and the City Public School Officers, especially the leaders of our Police Department, for what happened last week at the Westinghouse/Peabody game. The week before there were some disturbances, kids throwing beer bottles, fights.

We had changed some of the games. We used to change them to the afternoons to make it a neutral, safe place. I think they did the right thing by keeping the games on a Friday evening where all the parents could come and enjoy their kids, but what they did this weekend was show a lot of force. They had metal detectors there, they confiscated some weapons. And from speaking to people at the game, a lot of the hoods that were there were very shocked at the force we showed. And I think it sends a message to these characters that this City is not going to back down and not let them take over, whether it be our schools, our football games or our streets.

I just wanted to commend them and I think the show of force is probably the only thing that these people will understand and it worked very well because there were no incidences. And in some cases, they were saying that some of the officers were a little too tough. I think they were just right and I commend them for what they're doing.

Also, today, and I beg Mr. Onorato's indulgence since he's chair of this Committee, that 59 officers were sworn in this morning, new officers that will be on the street today getting assignments.

I'd like to also mention that today at 12:00 we'll have a news conference and we'll kick off the mounted horse patrols in our Golden Triangle. We'll have four to five horses with patrolmen on them to patrol the streets of our City. It was a joint effort between the Mayor and the Commissioners who came together with us and are supporting the cooperation with the City Police to have them patrol. And it couldn't have happened without, I might mention, Councilman Onorato who chairs that Committee who represents the Golden Triangle. They worked together with Lou DiNardo and Superintendent Croner. We worked it out in just two short meetings and worked out the details and they'll be on the street today.

I think it's going to send a message to the citizens of this area that this government is behind them, we want them to be in this City, for this to be a safe City that hopefully they come down and shop. It will be a six week test for the Christmas Season, and if it works we look, hopefully, to do it ourselves and have our own horses on the streets in the spring. It's going to show a perception that we in this City are in control. And I hope that everybody comes Downtown and enjoys our City and I want to thank everybody that was involved in doing this today.

The Chair:

Thank you, Councilman O'Connor.

Is there a motion to recess until 2:00 p.m. today for the Mayor's Budget Proposal?

Mr. Cohen:

So moved.

Michelle Madoff:

Second, but before we adjourn, I would like to point out that in the 15-1/2 years that I have

been indentured willingly and happily, I have never seen a time when we had so few people in attendance. I hope that other people will attend the Mayor's briefing today. I don't think it has anything to do with personalities or to do with interactions; I think it's a matter of respect to the office and the report that we should be present.

Michelle Madoff moved to approve the Minutes of Tuesday, October 12, 1993.

Mr. Cohen seconded the motion.

Which motion prevailed.

Michelle Madoff moved to excuse Mr. Darkins, Mr. Ferlo and Mr. Ricciardi for absence from the meeting.

Mr. Onorato seconded the motion.

Which motion prevailed.

And on the motion of **Mr. Cohen**

Council recessed.

November 8, 1993
Pittsburgh, PA

And the hour of 2:00 p.m. having arrived, and the time of recess having expired, Council reconvened.

The Meeting was opened by the recitation of the Pledge of Allegiance to the Flag of the United States of America, and a moment of silent prayer for peace throughout the world.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

The Chair:

The purpose of today's recessed Legislative Meeting is to hear the Honorable Sophie Masloff's proposed 1994 Budget.

I would like to ask Councilmembers Onorato and Smith to please escort the Mayor into Council Chambers.

Ladies and gentlemen, the Honorable Mayor of the City of Pittsburgh, Sophie Masloff.

Mayor Masloff:

Thank you, Jack.

Mr. President, Members of Council, ladies and gentlemen, and of course my dear friend, Rita Kane who stands by all the time. Thank you for coming, Rita.

Not long ago, a child asked me what my relationship was to Mayor Caliguiri. I told her that I had been his friend, supporter and admirer. Near the end of his life, I was also his understudy. Then fate pushed the understudy into the starring role.

I explained to the child that when that happens, it is very seldom that the understudy herself becomes the star. I told her that while very little public acclaim attaches to finishing the performance as the star would have wished.

There is much satisfaction in assuring that the show went on and that the people go their money's worth, and then some.

Throughout history, we have responded most to leaders who start or finish a race. We skip over the baton-passers in between. All of us respond most to leaders who, as some of our teenagers now say, talk the talk. We seldom

reflect on who actually walked the walk.

Very shortly, Tom Murphy will lead this City. My failures will be his opportunities. And my successes will be his foundation.

You would have to look far and wide to find many major cities that have increased their bond rating and balanced the budget six years in a row without tax increases. And this didn't happen by accident. It took leadership and cooperation.

Let me say again, we have presented six balanced budgets with no increase in taxes and no cuts in services. We tightened our belts. We made necessary cuts. We held the line. We reorganized to reflect a tight-fisted commitment to serve our citizens directly.

In short, when it came to keeping Pittsburgh on its feet financially the past six years, while many other cities came close to bankruptcy, we walked the walk.

Ladies and gentlemen, I take credit for success in balancing these budgets with no tax increases and no service cuts. But I also take responsibility for our failure to contain crime.

This year we made a good start by introducing community policing programs throughout the City with beat cops, mini-stations, new officers patrolling and working in partnership with the public. And this year, after a long struggle, we have our police hiring and retirement program in place. Now we must do a better job fighting crime.

Pittsburgh must get a handle on crime, particularly youth crime and violent crime. We must turn the tide against gangs and give young people real alternatives.

While some crime statistics have fallen,

the rise of violent acts among young people has become intolerable.

It's encouraging that neighborhoods are working hand in hand with community police. Neighborhoods are protesting and directly confronting drugs and crime in their areas. However, we still do not have all the tools to carry on the fight.

As I said earlier, I take responsibility for our failure to stem the rise in violent crime.

It's too easy to say that, that since it's happening everywhere in our country we can't do anything about it in Pittsburgh. But this is a fight that can and must be fought. This is a fight that can and must be won and must be a fight for survival of this City.

Ten days from today in this very room there will be a public hearing about gun control. I ask every citizen who is concerned about crime to attend and be heard. I ask every person who has been victimized by guns to attend and be heard. I ask every Legislator who will vote on this cause to come here and listen.

I commend Councilman Wagner on his efforts to curb assault weapons. His proposal is a significant step in the right direction.

Today, I am proposing an even more drastic measure. I propose amending the State Criminal Code, the Home Rule Charter Act, and the Second Class County Code to permit Pittsburgh and Allegheny County to write their own gun control laws.

We need to have the power to curb the frightening rise in violent crime being committed by young people and we need stronger national gun control laws. But we're not getting them. If the federal government is not going to do it, at least give this region the right to take action and

regain control of our streets and neighborhoods.

I'll stress the public safety challenges. At the same time, we need to continue our investment in those neighborhoods impacted by crime and violence.

Mayor-elect Murphy will be far better able to focus his leadership on fighting crime because he have made much progress by investing for the future throughout our City.

We jump-started major projects that were in trouble. With the help and leadership of my friend, the late Jake Milliones, we are building Crawford Square, an effort to bring young families into the City a quality, affordable housing. Already, nearly 200 young families are living at Crawford Square.

And look at Washington's Landing, the Second Avenue Technology Park. The public improvements along Penn and Liberty Avenues. Five years ago, these projects were stalled. Some were dead in the water. Today, we see the bricks and mortar, the jobs created. Pittsburgh is growing and we are moving ahead.

We have made other major investments in our housing stock and we must continue to build on these successes, development such as Crawford Square, Mossfield Court, Gateway Townhomes, Brighton Place, Western Restoration, Fineview Crest, Edward Court and many more. These have provided quality, affordable housing to our residents.

Since I became Mayor, nearly 3,000 Pittsburghers have been served by the Housing Repair and Homeownership Programs. The Urban Redevelopment Authority has provided over \$230 million in financial assistance to Pittsburghers.

Part of that success story has been due to

implementing an effective bank rating program. The City put our local financial institutions on notice that we expected active participation from them. All cooperated and pitched in and, as a result, the entire City benefitted. The banks receive City business as well as neighborhood business, and we work in close partnership on a wide variety of projects.

We are determined that Pittsburgh will always be a good City for families. We have made great strides in keeping our City competitive for working families by bringing the issue of childcare to the forefront. We initiated a change in our Zoning Ordinance to urge new construction and develop and to actively consider childcare options. Likewise, we successfully invested in a childcare coalition and made available a terrific new Downtown childcare facility for City workers.

Working families need these options and why developers of the future will note the importance of childcare facilities in any large new building.

Working with our State Legislators we achieved another major objective. We reformed a Police Trial Board system that was desperately in need of change. Today, the process of disciplining police is more effective and fair.

For three decades Pittsburgh Mayors tried to changed this system, and this Administration succeeded.

We put together a recycling program that has received national attention and has been duplicated in many other municipalities. In this program, we sought and achieved a simple solution to a complex problem.

Our hospitals and universities are working in partnership with the City. These institutions play a critical role in Pittsburgh's

economic recovery. Pittsburgh is now recognized as an international center of medical research and health care, particularly in the area of transplants.

In our dealings with these vital tax exempt institutions, we negotiated constructively. Together we worked out solutions to our mutual problems. These solutions are real and they have worked for the benefit of our citizens.

There is a popular notion today about re-inventing government. And that's a fancy way of saying trim the fat, serve the citizens directly, and privatize when appropriate.

Well, Pittsburgh has made significant gains by developing a new model for privatizing our regional assets: the Aviary, Phipps Conservatory and Schenley Park Golf Course. These are marvelous public assets; they are also regional attractions. Before the end of the year, Council will consider the privatization of the Zoo.

We have a volunteer citizens organization ready to take over and manage this asset. And it's our responsibility to turn over to the new Mayor a finished job.

The privatizing over our regional assets will not be complete until the public/private partnership for the Zoo is in place.

It would be a serious oversight for me not to point out another area where we need a more enlightened community-minded approach. I am talking about how we deal with labor disputes.

After five and a half years of dealing with these matters, I can tell you that the view from the Mayor's Office is very different from what I expected. The Mayor's perspective must include the City's long-term economic future.

The image of Pittsburgh as a tough labor market is a false but persistent handicap to us in our constant effort to get businesses to locate here.

We have been able to help resolve countless labor disputes by facilitating quiet and effective straight talk and good faith bargaining. But we've had some spectacular and very costly failures.

The Port Authority strike was terribly damaging to this City. So damaging that I had to intervene legally to get it resolved. And it should never have happened.

The Press strike was an even greater tragedy for the City, and I regret very much that we could not figure out an effective way to intervene or even prevent that strike.

And I regret even more the damage that that strike did to our on-going nationwide effort to update Pittsburgh's labor relations image.

If we're going to get the kind of job growth we need so badly, we are going to have to choose enlightened bargaining, not hardball politics as a solution to labor disputes. We simply have to include everyone in our definition of who gets represented at the Pittsburgh family table.

Through my executive order we have begun to see new entrepreneurial efforts of minorities and women make a difference in doing business with the government. And I'm proud of that record. I think it's a strong beginning upon which we will build.

In short, when it came to running and

improving our City's services, when it came to impacting positively on our neighborhood and economic development across the City, as I said earlier, we walked the walk.

Today, I am presenting my 1994 Budget which totals \$343.4 million, representing a \$700,000 decrease from last year's budget. This marks the sixth consecutive balanced budget that I have presented without a tax increase.

Furthermore, it represents the twelfth consecutive budget without raising taxes on our residents.

So, as we begin our deliberations on next year's budget, let me conclude with a personal observation, if you please.

As the daughter of Romanian immigrants, it's not difficult for me to talk about the American dream. I believe in it because I have lived it. The opportunity to serve as Mayor of my City, the City that I love, has been the greatest honor of my life. And I'm deeply grateful to the people of Pittsburgh for the tremendous support and love that has been given to me.

I thank you all very much and God bless you.

The Chair:

Thank you, Mayor Masloff. Thank you, ladies and gentlemen.

Let the 1994 budget process begin.

And on the motion of Mr. Cohen

Council adjourned.

MUNICIPAL RECORD

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Municipal Record

ONE-HUNDRED TWENTY-SEVENTH COUNCIL

JACK WAGNER President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON-WASLER..... Asst. City Clerk

Pittsburgh, PA
Tuesday, November 16, 1993

PRESENT:

MR. COHEN	MR. ONORATO
MR. DARKINS	MR. RICCIARDI
MR. FERLO	MR. SMITH
MICHELLE MADOFF	MR. WAGNER
MR. O'CONNOR	(Pres't)

The Meeting was opened by the recitation of the Pledge of Allegiance to the Flag of the United States of America, and a moment of silent prayer for peace throughout the world.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Cohen presents

No. 1272 WHEREAS, the Cancer Support Network is a non-profit organization providing emotional and psychological support services and advocacy for cancer survivors, their families and friends; and

WHEREAS, the mission of the Cancer Support Network is to give cancer survivors a message of hope and help them regain their self-esteem, cultivate a positive attitude and, as fully as possible, continue their normal day-to-day activities; and

WHEREAS, on November 17, 1993 the Cancer Support Network will hold their annual Recognition Awards Dinner, co-chaired by Jeff Blatnick, U.S. Olympic Gold Medalist in Greco-Roman Wrestling, and Wesley W. vonShack, Chairman of the Board and Chief Executive Officer of Duquesne Light Company. Tom Barraso, Goaltender for the Pittsburgh Penguins, will serve as guest speaker of the evening; and

WHEREAS, at the Awards Dinner, the Cancer Support Network will honor three people who have made outstanding contributions to cancer survivorship in our community: Dr. Bernard Fisher, Dr. Edwin R. Fisher, and Edward J. Kabala, J.D.

NOW, THEREFORE, BE IT
RESOLVED, that the Council of the City of

Pittsburgh congratulates and commends the Cancer Support Network for their dedicated work and supportive services to cancer survivors and their families; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh declares Wednesday, November 17, 1993 to be "Cancer Support Network Day" in the City of Pittsburgh.

Mr. Cohen moved to adopt the resolution.

Mr. Ferlo seconded the motion.

Which motion prevailed.

Mr. Cohen:

Members of Council, we have with us today from the Cancer Support Network Barbara Seltman to my immediate left who is the founder and Executive Director of the Cancer Support Network. We also have Karen Convalenka who is the facilitator there. And Mr. Donald Schaeffer who is a cancer survivor.

When someone is diagnosed with cancer, obtaining good medical care is essential. But almost as essential as that is obtaining emotional support to be able to go through that life change and go through the treatment process.

The woman to my left, Barbara Seltman, is a perfect example of this and she is a true woman of valor. The reason I say that is that Barbara Seltman was able to take adversity in her life and turn it into a positive contribution for the City of Pittsburgh. Her son died of cancer and many years later she was also diagnosed with cancer. And as I said, instead of somehow giving up and losing the kind of enthusiasm that she has for life, she was able to put together a Cancer Support Network to be able to provide the kind of emotional sustenance that cancer patients need.

For that, I want to extend to you my highest admiration and respect and that of the City of Pittsburgh, to congratulate you, Barbara, for putting this all together, to say thank you for coming down, all three of you.

Ms. Seltman:

Thank you very much, Dan. On behalf of cancer survivors, their families and friends, I am very proud to accept this proclamation.

I would also like to announce that since 1988, when the Cancer Survivor Network was organized, we have reached nearly 5,000 people through our programs, through our speakers bureau, through individual counseling and our support groups. And I think this is very important information to everyone because it really is just the tip of the iceberg. People with cancer need hope and they need to meet other people who have been through that disease.

So, again, on behalf of the Cancer Support Network, we thank you so much.

Mr. Schaeffer:

As a cancer survivor, I could echo and elaborate somewhat on one comment of Councilman Cohen. That is, when you are faced with life-threatening cancer, extensive surgery, chemotherapy, radiation, these things are devastating to the person involved and to the family. When you have available, as the City of Pittsburgh has, a group of people as dedicated and as effective as the Cancer Support Network, we are all very fortunate.

Let everyone know that this group exists. It's there to serve all. There's no charge. And Barbara does a great job.

Thank you so much for the proclamation.

Mr. Cohen:

Thank you. If we could have the folks from the Alzheimer's Association up also. We have two proclamations today that really do go hand in hand because they both involve support networks for people with illness.

We have with us today from the Alzheimer's Association Linda Dolman and Elaine Dively.

Mr. Cohen presents

No. 1301 WHEREAS, more than four million people in the United States are affected by Alzheimer's Disease, a degenerative, progressive disease that attacks the brain and results in impaired memory, thinking and behavior; and

WHEREAS, Alzheimer's Disease is the most common form of dementia, taking more than 100,000 lives in the United States, which makes it the fourth leading cause of death among older adults; and

WHEREAS, there are approximately 44,000 senior citizens living in the Greater Pittsburgh area stricken with Alzheimer's Disease; and

WHEREAS, the emotional and economic strain on the Alzheimer's families requires public awareness to stimulate concern and support to ease their burden.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends the Greater Pittsburgh Chapter of the Alzheimer's Association for its important work in educating the residents of Pittsburgh and Allegheny County about this serious illness and for providing support for the Alzheimer's patients and their families; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh proclaims the month of November, 1993 as "Alzheimer's Disease Awareness Month" in the City of Pittsburgh.

Mr. Cohen moved to adopt the resolution.

Mr. Ferlo seconded the motion.

Which motion prevailed.

Mr. Cohen:

Thank you very much. As I said, we have with us the Executive Director and Program Coordinator of the Alzheimer's Association.

The Alzheimer's Association was founded in Pittsburgh in 1988 to provide support to area residents with Alzheimer's Disease. It's one of 215 chapters nationwide. They do many, many things for people who are stricken with Alzheimer's, and Linda and Elaine will go into more detail. But just to tell you a couple of things, they have a family support network, a telephone help line, they train caregivers and provide education manuals for people who have Alzheimer's.

Scientists around the country are working very hard to find a cure for this disease and I think they're making progress on a monthly basis. But, at the same time, we need to have groups like the Alzheimer's Association and like the Cancer Support Network before this proclamation to be able to provide the kind of help and assistance that people need.

So, without further ado, I would like to present you with this proclamation and turn the microphone over to you. Congratulations.

Speaker:

Before I start, I also want to express my admiration for the Cancer Support Network and your great work.

As the representative of the local chapter of the National Alzheimer's Association dedicated to research, education and family support, I want to thank the Council and Mr. Cohen for this special proclamation.

November being National Alzheimer's Disease Awareness Month, we take this as an opportunity to educate the community more about Alzheimer's Disease.

Mr. Cohen mentioned some of the characteristics of the disease in the proclamation. It affects approximately ten percent of the population over the age of 65. Within the City of Pittsburgh proper, that translates to about 7,000 people. Within our service territory of the Greater Pittsburgh area which actually encompasses six counties, that's about 44,000 people and an additional 30,000 with the related dementia.

When you mention the individuals with Alzheimer's Disease, you have to remember the other people that it affects. It's estimated that it affects at least an additional three other people, family members, those providing care day to day, relatives, everything.

But there are just a couple of items that I want to bring to your attention briefly that have happened over the last year in the area of Alzheimer's Disease in research. The first is that we've had our first drug approved for the treatment of Alzheimer's Disease. It's not a cure. It doesn't reverse the symptoms of the disease but it helps the person maintain their quality of life for a longer period of time than they would have had without the drug. So, that has been a real

important accomplishment, the first drug approved by the FDA.

The second item to share with you is that research, as Mr. Cohen mentioned, has made a number of promising discoveries this year. The Alzheimer's Association is very encouraged by this and believes its significant progress will be made over the coming decade. That's a very helpful piece of information and something to keep in mind if you are facing this disease in your family. It's still a way off but we're closer than we've ever been before.

The last item I want to share with you is a new program that the Greater Pittsburgh Chapter is offering. It's called the Safe Return Program. It's an identification program, meaning that a person with Alzheimer's Disease would wear a bracelet, clothing labels. There's a 24-hour back up. What this program is designed to do is to help Alzheimer's persons who wander into unsafe situations. It's a really common problem. It's something that we think will be really helpful to the City of Pittsburgh. We're working with a number of community agencies in getting this program started. So, over the next year, I'm sure you'll hear a lot more about it.

For any information on any of these items, any care-giving concerns if any of you are dealing with this in your family, please feel free to call our office and speak with Elaine.

Again, I want to thank you for your time, thank you for the proclamation. The telephone number is 261-5040. Our offices are right across the street from the A.J. Palumbo Center. Thank you again, and thank you for this special recognition.

The Chair:

Thank you very much.

Mr. O'Connor:

Will all the students from Haifa come up, please? We have a group of 18 students from Haifa, Israel, and they're touring the United States. They just came back from San Francisco and guess what they were talking about? Our Steelers. I think we made a lot of football fans out of them.

Harvey Brotsky is here. He's a Social Studies teacher at Schenley. And Nora Truxel is the International Coordinator from Schenley.

Mr. O'Connor, Michelle Madoff and Mr. Cohen present

No. 1273 WHEREAS, students in Haifa and Kiryat Haim, Israel, are learning the value of an international education, and the importance of understanding other nations' cultures, societies and governments; and

WHEREAS, the following delegation of seventeen Israeli students were chosen by their high schools to travel to San Francisco and Pittsburgh on a mission of goodwill, and to act as ambassadors for their nation, as part of a mutual travel and learning experience:

Naama Keren	Shlomit Ostrov
Keren Ravid	Osnat Finkel
Tali Lavi	Gonen Letzter
Rachel Balaban	Benjamin Mihailovici
Efrat Levkiv	Moshe Zilberstein
Michal Tesler	Gil Limon
Jonit Tavor	Idan Rubin
Shir Barniv	Assaf Sarid
Galia Dagan	

WHEREAS, during their stay in Pittsburgh, these students will visit a variety of sites, including Shippingsport, the University of Pittsburgh's Nationality Rooms, and the Jewish Community Center, and will meet with American

teenagers to discuss issues of politics, media and teen life in both countries.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh recognizes the importance of dialogue and goodwill between American youth and the youth of other nations, in order to encourage educated and responsible leaders for the future; and

BE IT FURTHER RESOLVED, that the Council does hereby welcome this Israeli delegation to the City of Pittsburgh, and invites them to return at any opportunity for further dialogue and recreation. Bilui na'im be Pittsburgh!

Mr. O'Connor moved to adopt the resolution.

Mr. Cohen seconded the motion.

Which motion prevailed.

Mr. O'Connor:

They just toured the Mayor's Office but I think it's very exciting what they talked about. All they could talk about was Light Up Night last night, and I think we really owe a debt of thanks to all those involved last night. The committees, etc., and even the Steelers were putting icing on the cake with such good enthusiasm. Every night is like that in Pittsburgh.

Speaker:

Ladies and gentlemen, on behalf of the young ambassadors representing Haifa, Israel, we would like to thank very much Mayor Masloff, although she is not here, and Councilman O'Connor for giving us the opportunity of staying in the beautiful City of Pittsburgh.

Speaker:

We are glad to be here and we enjoy seeing the beautiful sights of Pittsburgh.

We hope you will continue on this program, this wonderful youth exchange program. And in order to show our appreciation, we'd like to give Councilman O'Connor a flag of our city, Haifa, and a picture book that shows the beautiful sights of Israel. Thank you very much.

Mr. Cohen:

I'd like to say that I've been to Haifa and it's a beautiful city, like our own, a port city, like our own, and it's just terrific to have you here. Hopefully we can come and visit you again sometime.

The Chair:

Thank you very much. Enjoy your stay.

Mr. O'Connor presents

No. 1305 WHEREAS, The Irish Centre of Pittsburgh, Inc., located at 6886 Forward Avenue, in the 14th Ward of the City of Pittsburgh, is an independent, not-for-profit organization; and

WHEREAS, The Irish Centre has been incorporated in the Commonwealth of Pennsylvania and has been granted exemption from Federal Income Tax under Section 501(c)(3) of the Internal Revenue Code; and

WHEREAS. The Irish Centre of Pittsburgh, Inc. desires to operate certain small games of chance and/or conduct raffles to generate funds to finance its operation and further its purpose.

NOW, THEREFORE, BE IT

RESOLVED, that the Mayor and the Council of the City of Pittsburgh hereby recognize and declare The Irish Centre of Pittsburgh, Inc. to be a civic and/or service organization within the context of the Pennsylvania Small Games of Chance Act, as amended.

Mr. O'Connor moved to adopt the resolution.

Mr. Onorato seconded the motion.

Which motion prevailed.

Mr. Onorato:

I'd like to call Gwen Elliott up. And anyone else that's in the room for Gwen's award, please come forward at this time and stand up here with Gwen.

One of the benefits of being Chairman of Public Safety is that I get to recognize certain individuals that show some outstanding qualities in the profession of the Public Safety field, and today is Gwen Elliott's day.

And I have been informed that she lives in Councilman Ferio's district, but she represents the entire City.

Mr. Onorato presents

No. 1274 WHEREAS, Commander Gwen Elliott was a finalist for the 1993 Athena Award, which is a program that was launched in 1991 to recognize, encourage and celebrate the achievements of women in business and the professions, and is featured at Magee-Womens Hospital's annual program, "A Celebration of Women"; and

WHEREAS, Commander Elliott's nomination was founded on her success in opening avenues once closed to women and her contributions in making the fields of law

enforcement and public safety, and the area of upper management in the City of Pittsburgh accessible to women; and

WHEREAS, Gwen Elliott is the highest ranking female police officer of the City of Pittsburgh. She is one of only two women and twelve men who have achieved the rank of Commander, and the only African-American policewoman to do so; and

WHEREAS, 1984 was an important year in Gwen Elliott's life. Gwen was elevated to the rank of Sergeant on the Pittsburgh Police Force and she also founded the Association of Women Police of Western Pennsylvania, an affiliate of the International Association of Women Police. This organization provides support and encouragement for women in public safety throughout the region. It serves as a network for career advancement and as a forum to discuss issues of job quality and service excellence; and

WHEREAS, in September of 1994, through the determined efforts of Commander Elliott, the City of Pittsburgh will host the 1994 Conference of the International Association of Women Police. Registration of at least 1,000 is expected. This conference will not only illustrate that Pittsburgh Women Police are among the finest in the world, but it will also generate hundreds of thousands of dollars for the Pittsburgh economy; and

WHEREAS, in her position of Commander of the Office of Family Violence, Youth and Missing Persons, Gwen Elliott successfully blends the deep concern that she feels for women and children, and their welfare into her daily activities, and is instrumental in bringing new awareness of the plight of the victim to the public through seminars, workshops and public outreach programs.

NOW, THEREFORE, BE IT

RESOLVED, that the Council of the City of Pittsburgh congratulates Gwen Elliott for being an Athena Award finalist, as well as for the many other public recognitions she has received; and

BE IT FURTHER RESOLVED, that Pittsburgh City Council recognizes and commends Commander Gwen Elliott for her commitment in working to improve conditions for her community, and for women and children everywhere.

Mr. Onorato moved to adopt the resolution.

Mr. O'Connor seconded the motion.

Which motion prevailed.

Mr. Onorato:

Commander Elliott, on behalf of Council and all residents of the City of Pittsburgh, I want to thank you personally. I'd also like to give you this plaque and give you the opportunity to address my colleagues and also the residents of Pittsburgh. Congratulations.

Commander Elliott:

I want to thank all the Councilpeople here and I want you to know that all these people standing here are people that helped me every day. I couldn't do what I do without their help. I see some of them still sitting back there; I don't know what they're doing back there.

I especially want to thank my daughter and my Mom for putting up with me and helping me show up looking dressed and helping me to keep my house together because I spend a lot of time out and I don't get to spend as much time as I would like with my family. And these are my two grandbabies here.

Thank you.

Mr. Cohen:

If I could just say a few words about Commander Elliott. One of the great pleasures in working in City government has been working with Commander Elliott. She has just done a terrific job.

I think a lot of people don't understand all of the aspects of the Police Department, and Councilman Onorato certainly showed that this morning, and that is not just cruising in our police vehicles and walking the beat and having investigative units, but also having a Commander like Gwen Elliott who really has compassion and compassion for the victim, and who puts forward a number of programs for the victim.

So, I just wanted to say that it's a pleasure working with her today.

The Chair:

Thank you.

Michelle Madoff and All Members of Council present

No. 1275 WHEREAS, the Pittsburgh District Letter Carriers take great pride in the collection and delivery of the mail. In addition to the excellent service they provide daily, letter carriers are active in community projects such as "Carrier Alert" where they keep a watchful eye on the senior citizens and the disabled. "Carriers Caring for Children" is a program designed to make children aware that the letter carrier is a friend they can turn to for help in emergency situations; and

WHEREAS, the Mail Handlers are the unseen backbone of the Post Office. They work in factory-like mail processing centers, unloading trucks, running the machines that sort

the sacks, canceling the stamps on your letters and moving the mail to its proper stations. Last year the mail handlers moved 161.5 billion pieces of mail and helped keep the United States Postal Service the most efficient and least expensive mail system in the world; and

WHEREAS, the Rural Carrier delivers and collects all classes of mail in rural communities. They are often referred to as a Post Office on Wheels selling stamps, money orders and providing numerous postal services to the patrons on their routes; and

WHEREAS, the Clerks process all the mail entering and leaving the Pittsburgh Post Office and provide administrative support. Window clerks are often complimented on their friendliness and eagerness to provide prompt, knowledgeable and courteous service; and

WHEREAS, the Postal Maintenance Personnel maintain all structures and processing equipment, and provide a clean, safe and healthy environment for employees and customers alike; and

WHEREAS, the Postal Supervisors monitor the processing and the delivery of the mail on a daily basis to provide quality service to the residents of the City of Pittsburgh. Administrative Office Supervisors provide a network of free services to the public and business community; and

WHEREAS, the Postal Police enforce postal service rules and regulations on postal property, and also enforce all laws enacted for the protection of persons and property such as assaults, threats and vandalism occurring on postal property. Postal Police also respond to robberies and burglaries at post offices, various medical emergencies and provide a convoy and escort service for high-value shipments; and

WHEREAS, Postmasters are responsible for keeping customers and employees informed about postal issues and products. In many cases, Postmasters are the only connection customers have with the federal government. Postmasters are on duty 24 hours a day, 365 days a year.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby give recognition to the United States Postal Employees for their commitment to provide top quality service to the residents of this City.

Michelle Madoff moved to adopt the resolution.

Mr. Smith seconded the motion.

Which motion prevailed.

Mr. Datolio:

Thank you very much. I certainly want to express to Council the high honor bestowed upon all Postal Workers. And while I have the privilege of representing the Letter Carriers which are probably the most visible to the average postal patron, I do want to commend all the colleagues from the other crafts, including the management end, that make up the network, that make up what we think is the finest postal system in the world.

You've just spurred us on to continue our efforts to make this the best and the cheapest, and I might add that it's still the biggest bargain in the family budget and we'll continue to strive for pride. Thank you.

Mr. McClean:

I'd just like to take one more moment of your time to express the appreciation we have in the Postal Service on behalf of the 10,000 employees who work in the Pittsburgh district for

the recognition. I would like to especially thank Sharon Poole, one of our valued customers who solicited the recognition from City Council. This is the third year.

I would like to add that based on what City Council has done for the past three years, the County government in seven counties in Western Pennsylvania and in the Panhandle of West Virginia, have also issued a similar proclamation to recognize the Postal Employee for the day to day activities which so touch the lives of every citizen in the United States.

We deliver about 7 million pieces a day, 6 days a week, to 1.2 million addresses in Western Pennsylvania, and I think when you see the magnitude of that chore and it re-occurs every day, it kind of puts into perspective the few errors that we do make, which we also regret that we make and we try to make it right when we're made aware of it.

But on the behalf of the 10,000 employees, I want to thank the City Council of the City of Pittsburgh. Thank you.

Postmaster Dunn:

Thank you very much. Just to build off of my colleagues a little bit, I thank you personally, City Council of the City of Pittsburgh. This is a great day for Postal Employees.

And I want you to know that the Postal Employees within the City of Pittsburgh are a very viable part of your city and are always willing to lend you a helping hand in any way that we possibly can. We are here to serve you, and I say that very, very sincerely.

This is specifically a great honor for me coming from a different part of the country. I have found Pittsburgh to be very warm. The only disappointment you will probably have this year

is probably December 5th when the New England Patriots come to town. And if it ever happens, I will probably be as surprised as you.

But, seriously, the Postal Employees appreciate this day very, very much. And, like I said, we are a part of your community and we are here to assist you in any way at all. Thank you very much.

The Chair:

Let me just add one comment. It's still amazing that for 29 cents something can get from here to San Francisco in a matter of hours, if not days. And all of you really do an exceptional job. Thank you very much.

Mr. Ferlo:

I'd like to also add that I think a lot of times the Post Office Organization is one of those groups that is part of the government bureaucracy, and it gets a bad rap once in a while. I don't think it's justified. I think when you compare the service that they render, as well as you look at the workforce and the wage and the benefits and the livelihood that they enjoy, we have one hell of a Postal Service in this country. And I think when you need to go abroad, you better appreciate the performance and the service of the system that we have in this Country.

And I just want to thank and welcome our new Postmaster. He's had some problems and some struggles to deal with here with new management down at the Post Office and he's done a heck of a job.

I also want to thank John, a good friend, from the Letter Carriers for their commitment to the community. They purchased and rehabbed the building there. They've made a commitment. They've worked with the community in the North Side and I think it's a great example for local

unions making the commitment here in the Pittsburgh community, and I want to thank John also.

The Chair:

Thank you all very much.

Mr. Ricciardi presents

No. 1276 WHEREAS, James P. Jeffrey is a graduate of Mount Lebanon High School and the Art Institute of Pittsburgh, and worked as a free lance photographer for the Pittsburgh Press and other local newspapers; and

WHEREAS, Jim has been a resident of the South Side since 1981 and began his activities with community organizations in the former South PAW organization, an advocacy organization for low income residents; and

WHEREAS, Jim Jeffrey is or has been a member of virtually every South Side organization including South Side Chamber of Commerce, and the South Side Local Development Company. Jim is very active in the Public Safety, Housing and Zoning Committees of the South Side Community Council, the Promotions Committee of the South Side Chamber of Commerce, and the Main Street Committee of the South Side Local Development Company; and

WHEREAS, Jim Jeffrey devotes a great deal of time to his activities on behalf of the South Side community organizations, and has become a familiar sight on the South Side as he pedals his adult tricycle to and from his various activities; and

WHEREAS, James P. Jeffrey has been chosen to receive the South Side Chamber of Commerce 1993 Community Service Award.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby recognizes James P. Jeffrey for his contributions to the South Side Community and to the City of Pittsburgh and declares Saturday, November 13, 1993 as "James P. Jeffrey Day" in the City of Pittsburgh.

Mr. Ricciardi moved to adopt the resolution.

Mr. Onorato seconded the motion.

Which motion prevailed.

Mr. Ricciardi presents

No. 1277 WHEREAS, Patricia Gergerich Tuite was born and raised in the Mount Washington neighborhood of the City of Pittsburgh; and

WHEREAS, Patricia graduated from the University of Pittsburgh in 1983 with a Bachelor of Science in Chemical Engineering and accepted a position with Duquesne Light in the Nuclear Department teaching the reactor operators Chemistry and Plant Systems; and

WHEREAS, in 1987, Patty was promoted to her present position of Commercial/Industrial Representative for the southern section of the City of Pittsburgh and Green Tree Borough; and

WHEREAS, Patty has been actively involved with the South Side Chamber of Commerce for over four years, a boardmember for three years, and First Vice-President for the 1993 term; and

WHEREAS, since joining the South Side Chamber, Patty has been active with its promotion committee, Summer Street Spectacular program, and annual dinner committee; and

WHEREAS, Patricia Tuite has been chosen to be the South Side Chamber of Commerce Person of the Year.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby recognizes the contributions of Patricia Gergerich Tuite to the South Side and the City of Pittsburgh, and hereby declares Saturday, November 15, 1993 as "Patricia Gergerich Tuite Day" in the City of Pittsburgh.

Mr. Ricciardi moved to adopt the resolution.

Mr. O'Connor seconded the motion.

Which motion prevailed.

Mr. Smith presents

No. 1278 WHEREAS, Grace Memorial Presbyterian Church is the oldest African-American Presbyterian Church in the City of Pittsburgh, and celebrates 125 years of witness and committed service to the Hill District Community; and

WHEREAS, the very history of Grace Memorial Presbyterian Church is richly entwined with the First Presbyterian Church of Philadelphia, the oldest African-American Presbyterian Church in Pennsylvania, founded by Dr. John Gloucester who answered the call to minister to the needs of African-Americans; and

WHEREAS, the very history of Grace Memorial Church has defined itself because of its distinctive leaders. During the earlier days in the life of the church, the late Reverend Henry Highland Garnett served as its Minister, a former President of Avery College and an outstanding African-American Presbyterian of his era; and

WHEREAS, during times of crises and

growth in the life of Grace, charismatic leadership has always emerged to challenge the mind and spirit of the people of God to do great works. The Reverend Harold R. Tolliver served as Pastor for 37 years and was instrumental in the relocation and erection of the present building. The leadership of Reverend Samuel George also contributed to the growth and stability of the church and always pursuing the goal of bringing together the church and community; and

WHEREAS, there is neither Gentile or Greek, rich or poor, the word must go forth that women have served, women have committed to the growth and ministry of Grace Memorial Presbyterian Church and were charter members in 1868.

NOW, THEREFORE, BE IT RESOLVED, as Grace Memorial Presbyterian Church enters the 21st Century, under the leadership of the Reverend Dr. Johnnie Monroe, the church will continue to reaffirm their commitment and service to the Hill District community and to our youth who are in crisis. Above all, that the church remain as a Beacon on the Hill, which proclaims the Love of God and calls the troubled from bondage and acts as a minister to the world; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh give praise and honor to Grace Memorial Presbyterian Church for its gift of 125 years of continued and committed service to the Hill District Community and God speed in the future.

Mr. Smith moved to adopt the resolution.

Mr. O'Connor seconded the motion.

Which motion prevailed.

Mr. Cohen presented

No. 3413 An Ordinance amending the Pittsburgh Code, Title Two, "Fiscal", Article IX, "Property Taxes", Chapter 263, "Real Property Tax", Section 263.01, "Levy and Rate on Lands and Buildings", by levying the real property tax for 1984. (184.5 mills on Land) (32 mills on Building).

Which was read and referred to the Committee on Finance.

Mr. Cohen moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Smith seconded the motion.

Which motion prevailed.

Also,

No. 3414 Resolution providing for the issuance of a warrant in the sum of \$225,000.00 to Henry F. Jodzis c/o Edward B. Friedman, Esquire, his attorney, Friedman and Friedman, 900 Fifth Avenue, Pittsburgh, PA 15219, in full and final settlement of an alleged motor vehicle accident in the City of Pittsburgh on or about July 1, 1979, payable from Code Account No. 46, Judgments.

Also,

No. 3415 Resolution providing for the issuance of a warrant in favor of KPMG Peat Marwick in the amount of Ten Thousand Five Hundred Thirty Four Dollars (\$10,534) in payment for additional work for the completion of the annual City audit for the year ending December 31, 1992, payable from Code Account 1063, Miscellaneous Services, Department of

Finance.

Also,

No. 3416 Resolution providing for the issuance of a \$887.00 warrant in favor of American Rent A Ride in settlement of claim for automobile damage to a City leased vehicle when struck and damaged by a vehicle at Brahm Street, payable from Code Account No. 46, Judgments.

Also,

No. 3417 Resolution providing for the issuance of a \$1,143.00 warrant in favor of Steven Mitchell in settlement of claim for automobile damage incurred when struck by a City refuse truck on Saw Mill Run Boulevard, March 10, 1993, payable from Code Account No. 46, Judgments.

Also,

No. 3418 Resolution transferring the sum of \$11,000.00 to Code Account 1045-9, Department of Mayor, City Information Systems from Code Account 1043, Miscellaneous Services, Department of the Mayor, City Information Systems. This transfer is necessary to pay for indemnity and medical bills through the balance of 1993.

Also,

No. 3419 Resolution approving conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984, to the Urban Redevelopment Authority.

Also,

No. 3420 Resolution providing for the filing of a petition or petitions for the sale of

certain property or properties, acquired at tax sales in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Which were severally read and referred to the Committee on Finance.

Mr. Ferlo presented

No. 3421 Resolution authorizing the URA of Pittsburgh to acquire that property in the 13th Ward of the City of Pittsburgh owned by the U.S. Department of Housing and Urban Development and designated as Block and Lot 174-B-246 in the Deed Registry Office of Allegheny County, for an amount of \$4,500.00. The property is being acquired for resale to a redeveloper who will rehabilitate the structure under the Authority's HOPE-3/Vacant Property Redevelopment Plan. The structure is a single-family dwelling on a lot containing approximately 2,377 square feet. (Council District No. 9)

Also,

No. 3422 Resolution approving execution of a Contract for Disposition by sale of Land by and between the URA of Pittsburgh and Homewood Brushton Revitalization and Development Corporation for the sale of Block and Lot 174-B-246, for the sum of \$1.00, in the 13th Ward of the City of Pittsburgh. The redeveloper intends to rehabilitate this vacant structure under the Authority's HOPE-3/Vacant Property Redevelopment Plan. This structure is a single-family dwelling on a lot containing approximately 2,377 square feet. The redeveloper is a nonprofit corporation with a mailing address at 805 North Homewood Avenue, Pittsburgh, PA 15208. The Officers of the Board of Directors include Lester Cain, Chairperson; Lonnie Peay, Vice Chairperson; Wade Lipscomb, Secretary; and Sara Trower

Martin, Treasurer. (Council District No. 9)

Also,

No. 3423 Resolution authorizing the URA of Pittsburgh to acquire that property in the 21st Ward of the City of Pittsburgh owned by the U.S. Department of Housing and Urban Development and designated as Block and Lot 22-L-163 in the Deed Registry Office of Allegheny County, for an amount of \$22,500.00. The property is being acquired for resale to a redeveloper who will rehabilitate the structure under the Authority's HOPE-3/Vacant Property Redevelopment Plan. This structure is a single-family dwelling on a lot containing approximately 1,248 square feet. (Council District No. 6)

Also,

No. 3424 Resolution approving execution of a Contract for Disposition by sale of Land by and between the URA of Pittsburgh and Manchester Citizens Corporation for the sale of Block and Lot 22-L-163 for the sum of \$1.00, in the 21st Ward of the City of Pittsburgh. The redeveloper intends to rehabilitate this vacant structure under the Authority's HOPE-3/Vacant Property Redevelopment Plan. This structure is a single-family dwelling on a lot containing approximately 1,248 square feet. The redeveloper is a nonprofit corporation with a mailing address at 1319 Allegheny Avenue, Pittsburgh, PA 15233. The officers include Betty Jane Ralph, Chairperson; Linda Jo Nelson, Vice Chairperson; Arthur J. Ralph, Treasurer; Tillie Janicki, Secretary; and Rhonda Brandon, Director. (Council District No. 6)

Which were severally read and referred to the Committee on Planning, Housing and Development.

Mr. Onorato presented

No. 3425 Resolution authorizing the transfer of \$15,000.00 from Police Code Account 1450, Equipment, to Police Code Account 1448, Misc. Services, Dept. of Public Safety. This transfer is necessary due to unexpected repair and service costs during 1993.

Which was read and referred to the Committee on Finance.

Mr. Ricciardi presented

No. 3426 Resolution amending Res. No. 432, appr. May 7, 1993, entitled: "Providing for an Agreement or Agreements with Allentown Business Association for operational/administrative expenses; maintenance; purchase of equipment; and/or minor rehabilitation of neighborhood facilities for the benefit of residents of the City of Pittsburgh, at a cost not to exceed \$750.00, chargeable to and payable from Code Account 1103, Misc. Services, Dept. of City Planning," by deleting Allentown Business Association and adding South Pittsburgh Economic Revitalization Team.

---(SPONSORED BY MR. RICCIARDI)

Also,

No. 3427 Resolution amending Res. No. 433, appr. May 7, 1993, entitled: "Providing for an Agreement or Agreements with Allentown Civic Association for operational/administrative expenses; maintenance; purchase of equipment; and/or minor rehabilitation of neighborhood facilities for the benefit of residents of the City of Pittsburgh, at a cost not to exceed \$750.00, chargeable to and payable from Code Account 1103, Misc. Services, Dept. of City Planning," by deleting Allentown Civic Association and adding South Pittsburgh Economic Revitalization Team.

---(SPONSORED BY MR. RICCIARDI)

Which were read and referred to the Committee on Planning, Housing and Development.

Mr. Smith presented

No. 3428 Resolution providing license agreement or license agreements with the Overbrook Community Council for the use of certain City property at 2415 Saw Mill Run Boulevard for a nominal fee of One Dollar (\$1.00) per year, payable upon execution of any such license agreement(s) and upon renewal of extension thereof.

Which was read and referred to the Committee on General Services.

Mr. Smith moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Ricciardi seconded the motion.

Which motion prevailed.

Also,

No. 3429 Resolution providing for a contract(s) or for the use of existing contract(s) for the purchase of miscellaneous equipment for use by various City departments, at a cost not to exceed \$50,000.00, chargeable to and payable from Capital Project 431-92, Miscellaneous Capital Equipment.

Also,

No. 3430 Resolution providing for a contract(s) or for the use of existing contract(s) for the purchase of miscellaneous equipment for use by various City departments, at a cost not to

exceed \$50,000.00, chargeable to and payable from Capital Project 431-93, Miscellaneous Capital Equipment.

Which were read and referred to the Committee on General Services.

REPORTS OF COMMITTEES

Mr. Cohen presented

Bill No. 3431

Report of the Committee on Finance for November 9, 1993 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3346

A Resolution entitled, "Resolution providing for the issuance of a \$2,500.00 warrant in favor of La Fond Galleries in settlement of claim for property damage."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen
Mr. Darkins

Mr. Onorato
Mr. Ricciardi

Mr. Ferlo Mr. Smith
Michelle Madoff Mr. Wagner
Mr. O'Connor (Pres't)

AYES 9 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3347

A Resolution entitled, "Resolution authorizing the transfer of \$50,000.00 from Code Account 1470-9, Fire Bureau-Worker's Compensation, Department of Public Safety to Code Account 1075, Index Code 107508, Miscellaneous Services, Department of Law, for payment of outside counsel fees for the remainder of fiscal year 1993."

Which was read.

Also,

Bill No. 3348

A Resolution entitled, "Resolution authorizing the Mayor and the City Solicitor to enter into an agreement or agreements for the hiring of counsel to assist in the representation of the City of Pittsburgh for outside legal counsel at a cost not to exceed \$100,000.00 (One Hundred Thousand Dollars), chargeable to and payable from Code Account 1075, Index Code 107508, Miscellaneous Services, Department of Law."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen Mr. Onorato
Mr. Darkins Mr. Ricciardi
Michelle Madoff Mr. Smith
Mr. O'Connor Mr. Wagner
 (Pres't)

AYES 8 NOES none

(MR. FERLO ABSTAINING)

And there being a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 3349

A Resolution entitled, "Resolution Repealing Resolution No. 355, Item G, effective April 7, 1992, which authorized the sale of a two sty. asb. shg. hse. situated on a lot 37.5' x 117', located at 225 Walter Street, 18th Ward, designated as Block 14F, Lot 60, to Barbara D. Talerico, for the sum of \$7,500.00."

Which was read.

Also,

Bill No. 3350

A Resolution entitled, "Resolution approving conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled 'Second Class City Treasurer Sale and Collection Act', effective December 11, 1984."

Which was read.

Also,

Bill No. 3374

A Resolution entitled, "Resolution providing for the transfer of funds totalling \$128,846.00 from Code Account 1922 (192203), Miscellaneous Services, Department of Water to Code Account 51, (0051-08), Postage, Department of Finance."

Which was read.

Also,

Bill No. 3375

A Resolution entitled, "Resolution providing for the transfer of funds totalling \$100,000.00 from Code Account 1978, (197806), Chemicals, Purification & Pumping, Department of Water to Code Account 1926, Index Code 192609, Municipal Obligations Non-City Water, Administration, Department of Water."

Which was read.

Also,

Bill No. 3389

A Resolution entitled, "Resolution providing for the transfers from Code Account 53-1, Index Code 005314, Reserve Fund Debt Service Stadium Authority of the following sums: Two Hundred Thousand Dollars (\$200,000) to Code Account 30, Index Code 003004, Business Tax Refunds and One Thousand Five Hundred Dollars (\$1,500.00) to Code Account 1061, Index Code 106104, Salaries Temporary Employees, Finance Department.

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Michelle Madoff	Mr. Wagner
Mr. O'Connor	(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Darkins presented

Bill No. 3432

Report of the Committee on Public Works for November 9, 1993 transmitting one resolution and one ordinance to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3356

A Resolution entitled, "Resolution granting unto the University of Pittsburgh, 3525 Forbes Avenue, Pittsburgh, Pennsylvania 15260, their successors and assigns, is hereby granted the privilege to construct, maintain and use at their own cost and expense, a parking area in the right-

of-way of Sutherland Drive in the 4th Ward, 8th Council District of the City of Pittsburgh."

Which was read.

Mr. Smith:

I would like to move to recommit Bill No. 3356. I had asked for some information about us giving the use of a street to the University of Pittsburgh. Unfortunately, the information was not forwarded in a timely manner, and I would like to have the opportunity to review the information that I had requested and see how that affects my vote on this bill. So, I would like to move for recommitment.

Mr. Cohen seconded the motion.

WHICH MOTION PREVAILED.

Mr. Darkins:

In regards to what Mr. Smith mentioned, he and I had a discussion this morning and I'm very sympathetic with that. I have no problems with that at all.

Also,

Bill No. 3357

An Ordinance entitled, "An Ordinance amending and supplementing the Pittsburgh Code, Title Six - Conduct, Article I, Regulated Rights and Actions, Chapter 619 - Refuse Collection and Recycling, by supplementing Section 619.02, Municipal Waste to be Collected by City, by providing for refuse pickup before, during, and/or after the Fourth of July Holiday."

Which was read.

Mr. Ferlo:

Mr. President, unfortunately, as you know, I was not here for the debate and discussion on the July 4th pickup issue.

A majority of Council, on several occasions in the past few months, voted affirmatively in favor of the basic notion that we wanted pickup service during the critical July 4th holiday for garbage refuse pickup. Several days were mentioned. Some of the other holidays, I think we compromised with the Administration on at least the July 4th holiday weekend so that on those hot summer months garbage would not be stinking on the streets for a couple weeks.

I'm worried that the way this bill is written, it's not explicit that there will be the pickup. The way it's worded, it says "before, during and/or after the 4th of July". If it's immediately after, then that's alright. But that's not what the bill says.

I was not here for discussion and I'm wondering whether or not we can recommit this bill or if someone could just explicitly state what they think this bill means. But the way the bill is written right now, we have not won anything. There is no assurance that we will get the 4th of July garbage off the streets.

Michelle Madoff:

I raised exactly the same issue and I was actually outraged and got into a little hassle with the Director.

The situation is very simply that they're claiming that they'll save \$35,000 if they pick it up within a week.

I would ask that we amend this bill and that this bill say you have to pick it up, not the day before and leave the garbage stink for a week, but

no later than the day of or two days after. And if you have to hire private contractors to do it, so be it. But you've got to get that stink off the street.

Mr. Ferio:

In response, I don't think we need to hire any private contractors. The people I talked to who work for us are glad to have the extra income.

I thought originally that we were trying, as a Council, to state a policy. We were not going to get into the details about how it gets picked up with the workforce and the scheduling and all that. As a matter of public policy and public safety, we as a Council are setting a policy saying that we want the garbage picked up. Mr. Wagner, in particular, for a long time, Michelle and others, have articulated this position for a long time.

This bill, I don't think, cuts it in terms of the way it's written, and I would respectfully ask that this Council considering recommitting this bill to make it explicit about what it is that we want the bill to say.

Mr. Smith:

If someone would help clarify for me, it was my understanding that we were not picking up the garbage from July 4th. The argument was that people did not have the storage capability for an extra week during the heat of the summer, and that this was not to pick up those plates and paper things that are not good for the environment anyway, but was an opportunity to allow them to have a normal week's worth of storage available because there is a holiday in the dead of summer. So, I am slightly confused as to what the intent of different individuals are.

I believe that we are offering them the storage capability by either showing up before the holiday or right after the holiday. I did not

understand this to be a bill that said that we will pick up your red, white and blue plates because of this holiday.

So, if someone would care to clarify for me what the real issue is, then I can make a decision as to whether or not I believe we should recommit this bill.

The Chair:

If I could interject. As all of you know, I sponsored the bill with all of your support, and I was not here last Wednesday for the discussion also.

The bill is purely a clean and simple bill to make sure that two weeks do not go by in the heat of summer. There is some question and I think because of that we should recommit and have some discussion at the Committee Meeting tomorrow.

There is a motion. Is there a second?

Mr. Smith seconded the motion.

Michelle Madoff:

One quick comment. Mr. Smith is absolutely right. And Mr. Walluk has no business making rules of the City or deciding how we're going to operate.

It's really very simple. The issue was both to allow for space because people like to get together with their families and they do need the storage capacity. That is true. But we also don't want the old dead chicken bones lying around, and the uneaten food that the children don't finish, and the dead fish, and what have you, sitting around for a week.

In the poorer communities, it's even worse. They don't have the containers, very

frequently. In some of the communities where you have parks, you've got the animals coming out of the woods, the raccoons. It is really a bad scene.

The very least we can offer the people in this community is that their garbage gets picked up from July 4th when you get together with your families and you generate all this unusual amount of garbage, as you do on Christmas, but at least it's cool at that time of year, to get the garbage and the waste off the street and the potential for disease and what have you. That's the one thing we should give people for their tax dollars.

The Chair:

I would ask to please keep it to the recommittal and we'll discuss it tomorrow.

Mr. Cohen:

Very briefly, Mr. President. I'll certainly support recommittal but we shouldn't kid ourselves. This is going to come down to money, like everything else that comes before Council. What Director Walluk said is that he would pick up the Saturday before the 4th of July, which is some relief. And I agree with Michelle Madoff, it's not complete relief. But that will relieve people of having to have two weeks worth of garbage during the hot summer months. But it's just going to be a matter of money. The Saturday before will cost a certain amount, the Wednesday after is going to cost more. So, we should just decide which we want and how much we want to spend.

The Chair:

I agree.

There is a motion on the floor to recommit and a second. All in favor? Opposed?

WHICH MOTION PREVAILED.

Mr. Ferlo presented

Bill No. 3433

Report of the Committee on Planning, Housing and Development for November 9, 1993 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3360

A Resolution entitled, "Resolution authorizing a First Amendment to the Residential Land Reserve Fund Cooperation Agreement between the City and the Urban Redevelopment Authority of Pittsburgh authorizing the use of the fund for below market rate mortgage financing for homeownership and to finance the development of newly constructed and rehabilitated housing for renters and homeowners."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Michelle Madoff	Mr. Wagner

Mr. O'Connor (Pres't)

AYES 9 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 3361

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and AHI Development, Inc. for the sale of Block 15L Lot 257 in the 18th Ward of the City of Pittsburgh (SIDEYARD)."

Which was read.

Mr. Ricciardi:

On Bill 3361 concerning the sale of a parcel of land in the Allentown neighborhood, I'd like to make a motion to recommit. I need to speak to the Allentown Citizens Association and personally visit the site.

Mr. Cohen seconded the motion.

WHICH MOTION PREVAILED.

Also,

Bill No. 3362

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire all of the City's right, title and interest, if any, in and to the publicly-owned property in the 4th Ward of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County, as Block 28-M Lot 80, under the Residential Land Reserve Fund."

Which was read.

Also,

Bill No. 3363

A Resolution entitled, "Resolution approving execution of a Contract for Disposition by sale of Land by and between the Urban Redevelopment Authority of Pittsburgh and Michael G. and Andrea Pollice for the sale of Block 28-M Lot 80 in the 4th Ward of the City of Pittsburgh (SIDEYARD)."

Which was read.

Also,

Bill No. 3364

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 3rd Ward of the City of Pittsburgh owned by Clara Harrington, and designated as Block and Lot 11-A-130 in the Deed Registry Office of Allegheny County, under the Industrial Land Reserve Fund."

Which was read.

Also,

Bill No. 3365

A Resolution entitled, "Resolution authority the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 13th Ward of the City of Pittsburgh owned by Repository Realty, Inc., and designated as Block 174-N Lot 321A in the Deed Registry Office of Allegheny County, under the Residential Land Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee and the

Planning Commission of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3366

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire all of the City's right, title and interest, if any, in and to publicly-owned property in the City of Pittsburgh under the Residential Land Reserve Fund."

Which was read.

Also,

Bill No. 3367

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire all of the City's right, title and interest, if any, in and to the publicly-owned property in the 13th Ward of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County, as Block 175-G Lot 69, under the Residential Land Reserve Fund."

Which was read.

Also,

Bill No. 3368

A Resolution entitled, "Resolution approving execution of a Contract for Disposition by sale of Land by and between the Urban Redevelopment Authority of Pittsburgh and Rosedale Block Cluster, Inc., for the sale of Block 175-G Lot 69 in the 13th Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3369

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire all of the City's right, title and interest, if any, in and to publicly-owned property in the City of Pittsburgh under the Industrial Land Reserve Fund."

Which was read.

Also,

Bill No. 3370

A Resolution entitled, "Resolution approving execution of a Contract for Disposition by sale of Land by and between the Urban Redevelopment Authority of Pittsburgh and Kenny-Richey Associates for the sale of Block 25-G Lots 18, 18A, 18B, 18C, 18D, 18E, and 18F in the 6th Ward of the City of Pittsburgh (Commercial Expansion/Parking)."

Which was read.

Also,

Bill No. 3371

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire all of the City's right, title and interest, if any, in and to the publicly-owned property in the 14th Ward of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County, as Block 88-H Lots 29, 31, and 32, under the Residential Land Reserve Fund."

Which was read.

Also,

Bill No. 3372

A Resolution entitled, "Resolution approving execution of a Contract for Disposition by sale of Land by and between the Urban Redevelopment Authority of Pittsburgh and John R. and Dorothy A. Shearer for the sale of Block 88-H Lots 29, 31, and 32 in the 14th Ward of the City of Pittsburgh (SIDEYARD)."

Which was read.

Also,

Bill No. 3373

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire all of the City's right, title and interest, if any, in and to publicly-owned property in the City of Pittsburgh under the Residential Land Reserve Fund."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen
Mr. Darkins
Mr. Ferlo
Michelle Madoff
Mr. O'Connor

Mr. Onorato
Mr. Ricciardi
Mr. Smith
Mr. Wagner
(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Onorato presented

Bill No. 3434

Report of the Committee on Public Safety for November 9, 1993 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3378

A Resolution entitled, "Resolution providing for an Agreement or Agreements with an Independent Contractor for the purchase of Pharmaceutical Services, Supplies and Medications necessary for the operations of the Bureau of Emergency Medical Services for a period of two years (1993 through 1994). The total amount shall not exceed Fifteen Thousand Dollars (\$15,000.00) annually and providing for the payment of the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen

Mr. Onorato

Mr. Darkins Mr. Ricciardi
Mr. Ferlo Mr. Smith
Michelle Madoff Mr. Wagner
Mr. O'Connor (Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

MOTIONS AND RESOLUTIONS

Michelle Madoff:

I don't have a motion or a resolution, Mr. President, but I think that this Council needs to meet with the Police Department, the Safety Director, whomever, and talk about what is appearing on the news. I don't think that we should get our information at 11:00 at night, that there is a plot to blow up the 5th Police Station and that four police officers have been shot at.

We need to know what is being done to protect our police officers. I know for a fact that I have talked to a number of police officers who inform me that they're just sitting with bated breath waiting for their release under the plan to take early retirement.

We don't need to have the new police coming aboard in jeopardy. Are we going to have two police officers traveling together? What kind of back up are they getting?

I realize a lot of this will be addressed when Mayor-elect Murphy comes aboard, but we need to support whatever we can do to limit the opportunity for crimes.

I think the hearing on Thursday, Mr. President, it would be advantageous if you would announce again to the people listening where to be, where to come if they want to be heard,

because I think, legal or illegal, we need to do something and we need to support the powers that be that are happening in Washington and Harrisburg right now and say how strongly we feel about this legislation that you are sponsoring, particularly the regulating of the ammunition and taking the terrible weapons off the street.

I would appreciate if you'd tell people to be here, what time, and hopefully the media will publish that because it is very, very important.

You can't sweep this under the rug. This is happening everywhere. All over the country. But I don't live all over the country, I live here for the moment, and I think we need to address ourselves to that.

The Chair:

For the sake of the public, there is a public hearing Thursday at 10:00 a.m. on legislation that is recommending the banning of assault weapons within the boundaries of the City of Pittsburgh, and the recording of the sale of ammunition.

Mr. Perry, we have made a motion to televise that, haven't we?

Mr. Perry:

Yes.

Michelle Madoff:

And if anybody wants to come down and testify, they would call Mike Perry at 255-2138.

Mr. Cohen:

On the same issue, I agree with Michelle. As she said, this is the fourth time that a Pittsburgh police officer has been shot at in the last few weeks, not to mention the two police officers that were shot in McKeesport, one that

was shot and killed whose funeral was yesterday, and one that was shot early this morning.

These are the men and women that we have charged the task of protecting our citizens and we have to send a message, a strong message, that we will not tolerate this threat on our own police officers and that we'll do whatever we have to make sure that they're protected.

Mayor-elect Murphy has discussed the proposal of putting two police officers per cruiser. I think that we are not able to wait, really, until January when he is sworn in to have further discussions on that. And I think we should have discussions with our Chairman of the Committee on Public Safety, Dan Onorato, and the Director of the Department of Public Safety, the Chief of Police, the Mayor, and the Mayor-elect, to talk about that. There are not politics involved in this anymore. This is a serious threat and one that I think needs to be taken up immediately.

The other is, this is no time to be reducing the number of police officers that we have on our streets. The Mayor's budget does reduce the number of police officers down to 1,245 officers, and I've spoken with Councilman Onorato already about putting at least those 30 back, up to 1,275, so that we can make sure that we're not reducing police officers at the time that we're in the middle of a Public Safety crisis. Thank you.

Mr. Onorato:

I didn't bring it up last week, and I didn't bring it up at this meeting, but I would like to tell my colleagues here that I told the Public Safety officials last week, we had a discussion, and I also spoke with some of the media when they called me to ask me about Mayor-elect Murphy's proposal of putting two officers in a car. When I called Public Safety officials, it was my position last week that I think officers in the car should definitely be increased to two, especially in

selected neighborhoods to start.

I don't think that we need to put two officers per beat. I made it very clear to Public Safety officials last week and the media that in no way do I want to achieve the goal of two officers in a car by reducing the beat officers. We have to do it by hiring more police or by transferring out of office work officers.

The 88 neighborhoods must, as far as I'm concerned, remained covered with the patrols. I do not want to get into that.

I also recognized talking with the Commander on the North Side. He said that if he doubles up, what will happen immediate is that instead of having, let's say, 10 sector cars, you'll go down to 5 sector cars, immediately having the two officers covering the area. So, response time might be affected to start.

But if that's what it takes to put the two in the cars in some of the tough neighborhoods or in neighborhoods where statistically we're having problems, that's fine with me. But in no way should we jeopardize the community-oriented policing that we started. It's one of the few policing tools that we have where the police are actually pro-active and not responding to a 911 call. And we can continue building on the goodwill between the neighborhoods and the police officers, particularly with the youth, and feel comfortable talking with police officers that are walking the beats at least eight hours a day for one shift.

So, my position is clear. I agree with my colleagues. We do not have to wait for the next Mayor. I would be in full support of implementing, at least on a trial basis, two officers per car in particular neighborhoods. If we want to do it across the board in all cars, that's fine too, as long as we do not eat into the beat patrol officers that we have.

Michelle Madoff:

We were to have a gentleman come here from out West to talk about a very successful curfew which is not all encompassing but it's very effective in their community.

As I mentioned before, and I think it's worth repeating, in South Carolina, Charleston, the Chief of Police there has a program by Executive Order that all police officers are truant officers. If he sees a kid out of school during the day, he takes the kid right over to the school.

In the program from Oregon, if a parent doesn't want to pick up the child in the evening, if he was picked up and shouldn't be out on the streets and he's causing mischief, the parent is fined and arrested.

We have got to do something besides just put police on the street. I don't think anyone would argue that. And I think one of the greatest steps and the direction we're taking is one that Mr. Ferlo is organizing - the youth program. And we need to fund that. And we need corporations to fund it.

I won't be here but I think we ought to go back to what I've been trying to get, the one thing I wasn't successful in getting is a grants person that would raise money from the corporate world to help make provision to do something about the programs.

And with reference to beat police, I have observed first-hand in some of the difficult areas, the high crime areas, where the police officer is terrified -- and they're going to be angry that I'm saying this but I don't blame them -- at 10:00, 11:00, 12:00 at night to make his complete round in the dark by himself. I think we have to give protection in very difficult areas, not that something can't happen anywhere, right out here

on Grant Street in the middle of the afternoon, to protect our police officers. We can ask them to protect us, but we can't ask them to be sacrificial lambs.

The last thing I'd like to point out is that every year for many years I would do a little poll of my own at budget time asking citizens if they would be willing to have a dedicated tax, a small increment that would go strictly for police protection. And every year they say yes.

Mr. Ferlo:

I just want to make something clear because maybe I'm not understanding exactly what's being said. We already have given our Police Chief and Public Safety Director as well as the Zone Commanders broad management powers on the issue of deployment and responding depending on the situation. I hope we're not talking about waiting for legislation or the budget.

If there's an immediate problem, as there clearly is in a couple of neighborhoods, regarding how many officers should be either responding to a scene situation or riding even in a vehicle, that's something that should happen immediately. And I would hope that is the case independent from any discussion about what the overall budgeted numbers are going to be next year relative to the Mayor's 1,245 proposed budget, or ours which would most likely be higher, which it's always been higher for the last ten years in this Council Chamber.

So, if there's an immediate concern, they have the powers at their disposal immediately to redeploy, and obviously they need to respond to a critical situation, especially in a couple of the neighborhoods. And there should be a couple of officers in those cars. That does not have to happen uniformly throughout the whole City because I don't think that's the case.

So, I hope that they are hearing that message and that they're evaluating. They have this information first-hand, even before we get it second-hand through the newspapers and the morning radio shows. So I hope that's happening immediately.

And I would like to ask that we get a memo from the Administration, if it hasn't already been sent here. I'm still unclear on what the time schedule and timeframe is for the layoffs. I'd like to know that prior to our Public Safety discussion, budget hearing with the Public Safety officials. What is, again, the time frame of when and how many officers are going out? I'd like to know what that schedule is again, or have that available for the budget hearings. And also, if it hasn't already been asked, for that Public Safety budget review, especially when police, if they could have some of the statistical information they provided last year when we asked for it, and that was the number of officers per zone and the quadrants and a lot of that statistical background data that we got. We'd like to see that prior to our interview to discuss the budget.

The Chair:

I just want to add on that issue, and I don't want to talk in any great detail, but where there have been alerts, as Councilman Onorato is very aware of, proper deployment has been initiated by the Chief of Police. Where doubling up needs to occur in proper locations for patrol throughout the City.

I also want to shed light on the budget because it was brought up. And I have mentioned to Mr. Whitner, the Executive Secretary to the Mayor, that I want to see us go back to 1,275 in the budget. The proposed Mayor's budget does cut the police force by 30 police officers and we have to do everything possible to bring it back to 1,275. And I think the best way to do that is in a

cooperative effort between Council and the Administration in terms of where the additional monies are for those 30 officers. We cannot send the other kind of message for next year. Even though all of you will be here next year and I won't, I think that's very important.

The other item that I wanted to mention was that I think it's very appropriate and I hope it's going on throughout the Police Bureau. I hear it is, I don't know if there has been a mandate to do it, but certainly in potentially dangerous areas, police officers should be wearing flak jackets. This Council has allocated the dollars for the purchase and use of proper safety equipment, and I consider that to be safety equipment that needs to be worn, but it's really under the jurisdiction and management of the Police Bureau to determine where and when it should be worn. But if there is any area where additional dollars are needed or support from this Council, I know this Council is prepared to do that.

Mr. Ferlo:

Absolutely.

Mr. Cohen:

Just to echo your sentiments. My initial calculations and other people, I'd like to hear what other people's calculations are going to be down the line are for those 30 rookie police officers to be about \$750,000. That's a lot of money, of course, but I think that's probably the best use of that dollar that we can possibly make. And I think that we should just include, all of us together, in an amendment to make sure that we bring those police officers up. Yes, it's only 30 police officers but, at the same time, every single police officer is necessary on the streets right now. Hopefully we can go even higher than that. And, moreover, this is absolutely the wrong time to send the message that we're reducing our police officers.

Mr. Onorato:

I agree with Councilman Cohen's suggestion. This is a time that it should be a unanimous amendment.

Mr. President, you're absolutely right. I think that you will have full support. I co-sponsored an amendment last year with Councilman Cohen and I think that everyone, with a unanimous vote, showed that we recognize that more police are critical.

Just to disagree a little bit with Councilperson Michelle Madoff in that I believe that more police is the answer.

And I want to make it clear, because there seems to be a lot of misunderstanding about when you go on the radio for a talk show people will bring up the issue that we have to provide more for our youth. I went on to explain this. This City spends a lot of money on programs for the youth. Just pull out the Summer Youth booklet that we have and the programs that we provide throughout the neighborhoods. Look at the number of Little Leagues that are produced. And I can tell you three Little Leagues in low-income neighborhoods in my district that have just restarted in the last year. I could tell you three schools that have been opened in the last two years. These programs do exist.

We could sit there and argue that the family fell apart, family values. That's fine but we have to deal with the realities of today. It's true that some of the family structure has disappeared, but crime is here. Poverty has always been in our society. There's just no excuse for what is happening on the streets.

There has been a study in Houston with the Mayor down there increasing the police force by a significant number, and they've actually

seen the crime go down because of the presence of putting the officers on the street.

In a situation where there's a particular beat officer or community-oriented police officer that might be intimidated in an area, I think that particular case should be investigated. If the area is that bad where it intimidates an officer, then we do take action for that particular situation.

But it should be pointed out, at least I know in the North Side, everywhere we have the community-oriented policing implemented, the residents are ecstatic. They love the idea. The neighborhood business districts are flourishing. The business owners are calling and thanking. It's what we have to do. It's the perception and it's the preventive crime work that must be done.

I hope 30 additional officers are enough. And if it isn't, we should re-evaluate the budget. I've been saying this for my two years here. The government should be in the business of doing three things, and that is police protection, fire protection and public works. If we can't do those, we shouldn't be spending a penny on anything else. And I'm ready to cut the budget until we achieve those three goals.

Michelle Madoff:

I'd like to respond. I think you misunderstood what I said. I don't disagree with anything you've said. Obviously where we've had police out, it has made a tremendous difference. But when you see that as much as we're doing, you still have four police officers shot, one killed in McKeesport, and a threat on a police station, we've got a real local problem.

One of the things we have to do, summer baseball teams are all good and well, but we need to open every school. And Barbara Burns has said she would do that. And we need to get money from the corporate world because it's their

City too. And we need to have programs that are mentoring programs and apprentice programs. And those things can happen if we ever have a Mayor that has any imagination, and I think Tom does, and that we would have a grants person raise that money and get these programs in place because you've got to give the kids some alternatives and give them some hope.

Mr. Onorato:

Mr. President, real quick. I just want to make it clear for people listening. There's so many programs out there that are going on right now and it sounds like we're not doing it. Councilman Smith and I were at a program for community literacy on the North Side on Friday that CMU sponsors and has been doing for the last five years with underprivileged kids and kids that have a hard time with reading. It's amazing the program they do.

These are the types of programs that do not get coverage, that you don't hear about, and that's only one example of hundreds in the City. We are doing these programs. We could add another hundred programs but that's not going to stop one drive-by. It's not going to stop one crime. The issue is, you've got to have a combination of both.

We're doing the social services, we can improve on them, but we also have to improve on the police coverage. So I guess we agree.

Michelle Madoff:

We agree but I'm telling you that if you really look at the stats, you're going to see the programs and opportunities opened to our kids. And I'm talking about kids from affluent homes who aren't troublemakers. There aren't any jobs out there. We've got to give our kids some kind of hope and the corporate world is where it's got to come from. You've got to have mentoring

programs, you've got to have apprentice programs, you've got to get corporate people going into the schools at night and capturing the imagination of kids. We don't have one game at midnight where they play basketball, but in every school. We've got to give them an alternative instead of having them hang out and stirring each other up with all that energy they have.

I am not for one minute saying that what you said is not true, or that we don't have programs, or that we don't provide things. We don't do enough of the right things. You don't go swimming outside at the pools in the wintertime.

Mr. Onorato:

There isn't an elected body in this City that does more than we do. Or this County or this region.

Michelle Madoff:

I agree. I'm not arguing that.

The Chair:

I think we all agree here on a lot of things.

Michelle Madoff:

Right. But let's do it.

Mr. Smith:

I disagree. I disagree with the fact that we've hired 70 additional police officers and yet we have seen now four officers shot at. I think that we need to sit down and re-evaluate the thought that more officers will make the streets safer. We have hired 70 at the detriment of funding programs that assist those who need the help and yet we have seen a rise in the types of crime. Maybe we need to sit down and say that there is a point at which it is inefficient to add

more officers, and better to spend the money to provide services that would be available to the young people.

We had a 15 year old who was involved in one of these shootings at the police. What we need to do is to be able to attract and garner the attention of the 12, 13 and 14 year olds with more community and localized recreation programs that we once did with our City budget as we have done some major cutbacks.

This is probably not the time but I'm urging the general public to watch the budget proceedings. I did an analysis of the budget over the last six year and there was definitely a trend of moving things from neighborhood-oriented programs that were available City-wide. Maybe we need to go back.

I would like all of my colleagues who have some very strong opinions on the need for more police officers to begin to evaluate the cost of those officers and the benefits that come about.

I know that I'm probably about to spark a very large debate, but that is my personal opinion.

On a happy note before the debate starts, I'd like to please note that we do do things, as Councilman Onorato said, and presently I'd like to announce to the listening public that every evening, Monday through Saturday, in Market Square you can hear top choral ensembles appearing there through the Christmas holiday. This is one of the programs that Parks and Recreation does sponsor, but it is yet another one of those projects in which we are not doing things in the neighborhood but doing things as a central. But I would like to invite the general public.

Light Up Night was excellent last night. There were police officers that were highly visible on the horses. And if you didn't step off the wrong part of the curb it was a very good

night.

So, I know that this will start the argument but life goes on. Please come down to Market Square every night for entertainment.

The Chair:

I think that was a positive note to end on.

Mr. Cohen:

Another issue. As Council is aware, yesterday, November 15th, was the deadline for our cable monopoly, TCI of Pennsylvania, to submit its rates. Under the regulatory process that we initiated here in Council recently, what TCI did yesterday was file this letter and the date and time is yesterday, the time is 4:57 p.m.

What they did was ask for an extension of the deadline. They've known about this deadline since July 27th, but it says this:

"Form 393 submitted on this date contains the information we used to determine our rate. We are not able to file a Form 393 that conforms to the FCC requirements, as clarified by the FCC's public notice on November 10, 1993. We have adopted this approach after a consultation with the FCC and have filed an emergency motion for partial extension of time. In the motion, we have requested that we be given until December 1, 1993 to file these certified forms. We regret that this may inconvenience the City in the review of our document; however, we believe that this course of action noted above will provide the most current information, etc."

This is just another delay tactic on the part of TCI and they have tried to do everything possible to avoid the regulatory process that the federal government has allowed us to start and that we initiated here in Council. They have delayed, they have tried to get around the rules,

they've done everything they can to avoid keeping their rates down.

I think what we need to do is to send a letter to the FCC opposing this extension of time. The way it works is, it's only the Federal Communications Commission that can grant that extension of time. I'm sure that TCI is going to say, when asked, why they didn't submit their rates in conformity with the rules, they're going to say it's because the FCC passed a rule on November 10th that has a new Consumer Price Index Number, that a number that they just have to insert in order to come up with their rates.

Well, that is not a legitimate response. They are a multi-million dollar company. They have an army of lawyers working for them. As I said, they've known since July 27th that these rates had to be submitted by November 15th and it's just another delay tactic on their part.

To add insult to injury, a memo was unearthed by the Washington Post and it was reprinted in the Tribune Review today which is outrageous to cable customers, even for TCI which is a pretty high standard for outrageousness. What it says is this, and this was an internal memo that the Washington Post found. It was dated August 20th by a man named Barry Marshall, Chief Operating Officer of TCI. This was to the employees at TCI. It says this:

"We have to have discipline.", wrote Marshall. "We cannot be dissuaded from the charges simply because the customers object. It will take a while, but they will get used to it." "The best news of all," added Marshall, "is we can blame it on re-regulation and government. Let's take advantage of it!"

The discipline that he's talking about is the discipline against charges by customers and government officials that they've raised their rates too high. The discipline that they need is the

discipline to keep their rates down and to quit abusing their status as a monopoly. That is absolutely outrageous and I think it reflects the attitude that we've seen on the part of TCI, both nationally and locally over the last several years.

We are not going to be able to get used to their rate increases. Even if we could, every time we start getting used to it, they raise their rates yet again. They've raised their rates for both basic and expanded basic over 100 percent in the last six years, and that's far in excess of the inflation rate. So, I think we know what we're dealing with. If we didn't before, we certainly do now. And what we're dealing with is a company that is abusing its monopoly status and is insensitive to its customers.

I'd like to move that we send a letter to the FCC and oppose their request for a deadline extension.

Mr. Ferlo seconded the motion.

Mr. Ferlo:

I want to thank Mr. Cohen for bringing this up. I read the article and I think people know my feelings of TCI. Again, their continuing a corporate policy of greed, cheat, stall and delay, and this letter is a good indication of the fact of what their true intentions are. They never wanted the Cable Reform Act and now they're doing everything in their power to undermine and refusing to expeditiously submit the regulatory documents, not only to this City but to the FCC. So I definitely support the motion.

I also think we need to discuss at some point any type of legal representation that we may need. It's a complicated field and I think when and if we actually have to interact with the FCC we want to have the best available representation, advocacy-wise, representing our City's interest against TCI. I think part of TCI's agenda may be

to stall because of proposed mergers with certain Bell Telephone Companies. But, nonetheless, I support the motion and it's typical of TCI.

The Chair:

There is a motion and a second. All in favor? Opposed?

WHICH MOTION PREVAILED.

The Chair:

I need a motion to adjourn this meeting and meet again on Monday, November 22, 1993

at 2:00 p.m. The reason for the change is that next week is a short week. It's Thanksgiving and to accommodate our budget process, we need to make a couple of changes in the schedule.

Mr. Cohen:

So moved.

Mr. Ferlo seconded the motion.

And on the motion of Mr. Cohen

Council adjourned.

MUNICIPAL RECORD

Proceedings of the Council of the City of Pittsburgh

VOL. CXXVII

Monday, November 22, 1993

No. 45

Municipal Record

ONE-HUNDRED TWENTY-SEVENTH COUNCIL

JACK WAGNER President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON-WASLER.... Asst. City Clerk

Pittsburgh, PA
Monday, November 22, 1993

PRESENT:

MR. COHEN	MR. ONORATO
MR. DARKINS	MR. RICCIARDI
MR. FERLO	MR. SMITH
MICHELLE MADOFF	MR. WAGNER
MR. O'CONNOR	(Pres't)

The Meeting was opened by the recitation of the Pledge of Allegiance to the Flag of the United States of America, and a moment of silent prayer for peace throughout the world.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. O'Connor:

Would Jim DePaolo please come up. Jim, its a great honor to have you here and it was quite a weekend in Greenfield. Friday night we had our first Point of Lights Christmas Parade and it really turned out to be a huge success and we hope next year to make it bigger and better. Then Saturday night we had the privilege of honoring seventeen people from Greenfield on all of their community efforts and Jim is the Man of the Year in Greenfield and I'd like to read this proclamation to him.

Mr. O'Connor presents

No. 3462 WHEREAS, James DePaolo is a lifelong resident of Greenfield, who has spent most of his life assisting a commendable number of individuals and groups in Greenfield, with the support of his wife, Chris, his children Stephanie, J.C. Becky, and Meghan, and his parents Millie and Tony DePaolo; and

WHEREAS, Jim's many involvements over the years have included:

- Twenty-four years as coach with the Greenfield Baseball Association;
- Assistant Scout Master for Boy Scout Troop #244;
- Past Board Member of the Greenfield Organization Board of Directors;
- Two term member of St. Rosalia Parish Council;

- Past President of St. Rosalia School's PTG;
- Two-year term as Vice President of St. Rosalia Athletic Association;
- Two-year term as Athletic Director of St. Rosalia Athletic Association;
- Founding Member and current Secretary of the Greenfield Runners Club;
- Charter Member and current Treasurer of g.r.a.d.e.;
- Commissioner of the Soldiers and Sailors Men's Softball League;
- Member of the Greenfield Glide Committee; and,
- Treasurer of Duquesne University Student Occupational Therapy Association

WHEREAS, James DePaolo is being honored by the Greenfield Organization as Greenfield Person of the Year at the Eighty Annual Greenfield Awards Dinner for his life-long commitment to and involvement in the Greenfield community.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend Jim for his lifetime of commitment to and involvement in the Greenfield community, and congratulates him on receiving this well-deserved award for 1993 Greenfield Person of the Year.

Mr. O'Connor moved to adopt the resolution.

Mr. Smith seconded the motion.

Which motion prevailed.

Mr. O'Connor:

It is quite an honor to have you, and its people like Jim and his family and parents and all the people who were honored the other night. Greenfield is really some place special and its a great neighborhood and its growing and we are very pleased and honored to have you here.

Jim DePaolo:

Thank you. I'd like to thank Councilman O'Connor for all the work he has done with the people in Greenfield and the surrounding areas; thank City Council for this proclamation and I'd like to thank my family for all of their support in all the endeavors that I have done.

Mr. O'Connor presents

No. 3463 WHEREAS, the Greenfield Organization has been active in Greenfield for twenty-five years, providing the community with a monthly newspaper and a variety of vital community programs; and

WHEREAS, the exceptional level of volunteerism in the community has contributed to the strength of both the community and the Greenfield Organization; and

WHEREAS, the Greenfield Organization is honoring the following members of the community at the Eighth Annual Greenfield Awards Dinner, for their commitment to improving Greenfield:

COMMUNITY GROUP AWARDS

- Anna May Joyce - AARP Chapter 2611
- Stephen Lipnican - Boy scout Troop #244
- Jackie Fuhrer - Cub Scout Pack #244
- Jack McCaffrey - Greenfield Baseball Association
- Jerry and Tom McCaffrey - Greenfield Baseball Association
- Edward and Dora McCaffrey - Greenfield Baseball Association
- Mickey Twigg - Greenfield Football Association
- American Environmental Consulting - Greenfield Runners Club
- Esther Leibovitz - Greenfield Senior Center
- Mike Berman - Greenfield Soccer Association

Chuck White, Jr. - Saint Rosalia Athletic Association

GREENFIELD SERVICE AWARDS

Dr. Bernard Bernacki, D.O. - Business

Dr. Katherine Homrok, M.D. - Business

Frank Smizik - Community Service

Sister Monique Dissen - IHM - Education

Kellie McCarthy - Youth Recognition

Joseph Costanzo, Jr. - Special Recognition

Fr. Paul Conroy - Hall of Fame

Dr. George Olah, M.D. - Hall of Fame

WHEREAS, James DePaolo is being honored as the Greenfield Person of the Year, for his commitment to and involvement in the Greenfield community, including as a coach and umpire with the Greenfield Baseball Association, as a former Board Member of the Greenfield Organization, as a member of St. Rosalia Parish Council, as a former President of St. Rosalia School's PTG, as Vice-President of St. Rosalia Athletic Association, and many other important positions in the community over the years.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby recognize the important role that the Greenfield Organization has played in the community, and commends all of the volunteers of Greenfield for their donated time and talent.

Mr. O'Connor moved to adopt the resolution.

Mr. Onorato seconded the motion.

Which motion prevailed.

Mr. Smith presents

No. 3464 WHEREAS, Tabernacle Cosmopolitan Baptist Church was founded on April 2, 1874 with 37 members and was granted a charter by the County of Allegheny on April 29, 1879 and has served the spiritual needs of the

North Side community since that time; and

WHEREAS, Tabernacle is one of the oldest African-American Baptist Churches in the North Side. The church has a history of calling dynamic and dedicated clergymen as leaders of its congregation which has sustained the prominence of the church in the community; and

WHEREAS, on this day, November 28, 1993, Reverend Samuel D. Searcy will be installed as Pastor of this historic church, and will work to initiate a new era of spiritual and economic development to benefit the church and community; and

WHEREAS, the members and friends of the church believe that this new thrust will have a profound impact upon the membership of the church and the youth of the community; and

WHEREAS, Tabernacle Cosmopolitan Baptist Church recognizes its responsibility to the community and its people as they install Reverend Samuel D. Searcy as Pastor and are set about their task.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Pittsburgh proclaims Sunday, November 28, 1993 as "TABERNACLE BAPTIST CHURCH DAY" to affirm their new beginning.

Mr. Smith moved to adopt the resolution.

Mr. O'Connor seconded the motion.

Which motion prevailed.

Mr. Cohen presented

No. 3444 Resolution providing for the issuance of a \$1,100.00 warrant in favor of Bell of Pennsylvania in settlement of claim for property damage incurred when a Department of

Public Works truck struck a utility pole on Mountain Street on March 4, 1993, payable from Code Account No. 46, Judgments.

Also,

No. 3445 Resolution providing for conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Which were read and referred to the Committee on Finance.

Mr. Darkins presented

No. 3446 Resolution transferring the amount of \$60,000.00 from Code Account 1043, Misc. Services, Mayor's Office to Code Account 1676, Misc. Services, Bureau of Environmental Services, Dept. of Public Works. This transfer is necessary to cover costs for the verification of individual parcel addresses as they relate to lot and block numbers for residents throughout the City of Pittsburgh.

Which was read and referred to the Committee on Finance.

Also,

No. 3447 Resolution providing for a Contract or Contracts, or the use of existing Contracts for the verification of individual parcel addresses as they relate to lot and block numbers for residents throughout the City of Pittsburgh. This mailing system will be used in conjunction with the Pagis system to obtain and accurate mailing list for Environmental Services, Finance, Planning, Police, Fire, etc., at a cost not to exceed \$100,000.00, chargeable to and payable from Code Account 1676, Misc. Services, Bureau of Environmental Services.

Also,

No. 3448 Resolution granting unto Mellon Bank, 1401 East Carson Street, Pittsburgh, PA 15203, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, one double-faced business identification sign in the right-of-way of East Carson Street in the 17th Ward, 3rd Council District of the City of Pittsburgh.

Which were read and referred to the Committee on Public Works.

Mr. Ferlo presented

No. 3449 An Ordinance amending the Pittsburgh Code, Title Two, Fiscal, Article I, Administration, Chapter 213, Investment and Divestment, by repealing Sections 213.01 Investments Prohibited, 213.02 Definitions, 213.03 Identification of Companies and 213.04 Enforcement, and also amending Article III, Depositories, Chapter 221, Contracts, by repealing Section 221.01 Definitions, Subsections (i) & (j) and Section 221.03 Requirements For Qualification, Subsection (d), relative to the City of Pittsburgh conducting business with entities that invest in or engage in business with South Africa. ---**(SPONSORED BY MR. FERLO & MR. SMITH)**

Also,

No. 3450 An Ordinance amending the Pittsburgh Code, Title Six, Conduct, Article V, Discrimination, Chapter 651, Findings and Policy, Section 651.04 Definitions, by repealing Subsections (l) and (m), and Chapter 657, City Contracts, Section 657.03 South Africa Prohibitions. ---**(SPONSORED BY MR. FERLO & MR. SMITH)**

Which were read and referred to the Committee on Finance.

Also,

No. 3451 Resolution renewing Resolution No. 963 approved by City Council on August 18, 1993 authorizing the Port Authority of Allegheny County to construct a 279 sq. ft. one-story extension to the west side of the existing Monongahela Incline building, with other renovations, located at 8 Grandview Avenue on property zoned "S" Special District, 19th Ward. (Council District No. 2)

Which was read and referred to the Committee on Planning, Housing and Development.

Mr. Onorato presented

No. 3452 Resolution authorizing the transfer of \$450,000.00 from Code Account 45, Health Insurance Municipal Employees; \$27,000.00 from Code Account 1446-1, Investigation Expenses; \$5,000.00 from Code Account 1452-2, Legal Defense Contributions; \$18,000.00 from Code Account 1447-1, Canine Expenses and \$100,000.00 from Code Account 1457-9, Workers Compensation, Bureau of Police to Code Account 1443-4, Premium Pay, Bureau of Police, Department of Public Safety.

Also,

No. 3453 Resolution authorizing the transfer of \$350,000.00 from Code Account 1470-9, Workers Compensation, Bureau of Fire; \$265,000.00 from Code Account 53-1, Debt Service, Stadium Authority of Pittsburgh; \$175,000.00 from Code Account 45, Health Insurance Municipal Employees; and \$10,000.00 from Code Account 1461, Salary and Wages, Bureau of Fire to Code Account 1461-1, Premium Pay, Bureau of Fire, Department of Public Safety.

Also,

No. 3454 Resolution authorizing the transfer of \$25,000.00 from Code Account 1457-9, Workers Compensation, Bureau of Police, to Code Account 1444, Salaries and Wages, School Crossing Guards, Department of Public Safety.

Also,

No. 3455 Resolution authorizing the transfer of \$100,000.00 from Code Account 45, Health Insurance Municipal Employees to Code Account 1470, Uniforms, Bureau of Fire, Department of Public Safety.

Also,

No. 3456 Resolution authorizing the transfer of \$350,000.00 from Code Account 45, Health Insurance Municipal Employees to Code Account 1443, Salaries and Wages, Bureau of Police, Department of Public Safety.

Which were severally read and referred to the Committee on Finance.

Mr. Onorato moved to suspend Rule 8 by providing for consideration of the bills only until or after the 8th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. Cohen seconded the motion.

Which motion prevailed.

Mr. Ricciardi presented

No. 3457 Resolution providing for City Council to retain its own attorney to review the entire record of Case No. GD81-13844 Henry F. Jodzis v. City of Pittsburgh.

---(SPONSORED BY MR. RICCIARDI)

Which was read and referred to the Committee on Finance.

Mr. Ricciardi moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Smith seconded the motion.

Which motion prevailed.

REPORTS OF COMMITTEES

Mr. Cohen presented

Bill No. 3458

Report of the Committee on Finance for November 17, 1992 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3390

A Resolution entitled, "Resolution electing to be within the field of operation of the Allegheny County Residential Finance Authority for the purpose of permitting a tax-exempt transaction which includes the refinancing of certain properties located in the City of Pittsburgh."

Which was read.

Councilman Smith:

Bill No. 3390 I believe we had asked for some information in terms of the financing. Maybe I have not gone through my mail in a day

or so. Has any other Council person received any update on information asked at the table?

The Chair:

Councilman, what did you request specifically?

Councilman Smith:

I would have to pull my notes out for that day. I will not attempt to recommit this bill. I will let it go through, but I just wanted my colleagues to note that when we ask for information, we are not always obliged with a response, even if its "I don't know."

Mr. Ferlo:

To Mr. Smith's question, whether or not the refinancing that this would generate under this particular agency underneath the County would generate any excess revenue that would then be allowed to purchase additional properties - we asked for a better explanation financially of what the bond issue is all about.

Mr. Onorato:

Is this on Bill 3390. I have a memo but it was dated today, November 22nd, clocked in at 9:13. Councilman Smith, I don't know if this is it or not but there obviously wasn't enough time to review it. It came in today and it references that particular bill.

Mr. Smith:

I think that departments are doing this. We have lost the respect that this body, not the individuals here, but this body as a checks and balance in our governmental system. We are not receiving information in an appropriate manner. I really hate having to be forced into this situation by not getting information in a responsive

manner. I believe it was last Wednesday that this request was made and the fact that it was clocked in at 9:13 today I think is inappropriate. I have not been able to read it even though it has been handed to me.

Mr. Cohen:

I absolutely agree with Councilman Smith and if he makes a motion to recommit I will second it.

The Chair:

Let me just say prior to doing that - it may partially be my fault or our fault because we have changed the meetings this week. We have actually moved the Tuesday meeting to Monday and the Wednesday meeting to Tuesday and some are not aware of that. Councilman, if you want to recommit it I believe everyone is behind you.

Mr. Onorato:

Mike, did every member get that memo that I just referred to?

Mr. Perry:

I'll be quite honest with you, I haven't seen that memo myself. Maybe Marleen just passed it out.

Mr. Ferlo:

I move to recommit

Mr. Cohen seconded the motion.

WHICH MOTION PREVAILED.

Also,

Bill No. 3392

A Resolution entitled, "Resolution amending Resolution No. 882 of 1993 entitled 'Providing for the filing of an application or applications by the City of Pittsburgh with the U.S. Department of Labor and/or Commonwealth of Pennsylvania for a grant or grants in connection with the Job Training Partnership Act; providing for the execution of grant contracts and for the filing of requisitions and other data providing for the appointment of the Private Industry Council and authorization for the Private Industry Council and the City of Pittsburgh to enter into agreements authorized by the Job Training Partnership Act, as amended; providing for required assurances; providing for the execution of payment vouchers and for certification of authorized signatures; providing for a contract or contracts with various agencies/employers for services and programs related to training and employment for the Job Training Partnership Act projects; and providing for the deposit of funds into a bank account' by increasing the amount available for subcontractor agreements by \$645,938.00, and by adding SECTION 13 and SECTION 14 to provide for a transfer of \$79,000.00 to the Special Park Program Trust Fund (SPP) for wages and fringes."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen

Mr. Onorato

Mr. Ferlo
Mr. O'Connor

Mr. Smith
Mr. Wagner
(Pres't)

AYES 6

NOES none

(MR. RICCIARDI ABSTAINING)

And a majority of the votes of Council
being in the affirmative, the bill passed finally.

Also,

Bill No. 3393

A Resolution entitled, "Resolution providing for
conveyance by the City of Pittsburgh of certain
property, under Act No. 171 of 1984, entitled,
'Second Class City Treasurer Sale and Collection
Act', effective December 11, 1984."

Which was read.

Also,

Bill No. 3399

A Resolution entitled, "Resolution providing for
the transfer of funds totalling \$29,525.17 from
Code Account 1986, (198606), Materials,
Department of Water to ARTF, Asphalt
Reimbursement Trust Fund, Index Code 250100,
Department of Public Works."

Which was read.

Also,

Bill No. 3400

A Resolution entitled, "Resolution providing for
the transfer of funds totalling \$143,000.00 from
Code Account 1922, (192203), Miscellaneous
Services, Department of Water to Code Account
1043, (104307), Miscellaneous Services, City

Information Systems."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass
finally?"

The ayes and noes were taken agreeably
to law, and were:

Ayes:

Mr. Cohen
Mr. Ferlo
Mr. O'Connor
Mr. Onorato

Mr. Ricciardi
Mr. Smith
Mr. Wagner
(Pres't)

AYES 7

NOES none

And a majority of the votes of Council
being in the affirmative, the bills passed finally.

Also,

Bill No. 3401

A Resolution entitled, "Resolution for the
issuance of a warrant in favor of Public
Strategies, Inc., One Bigelow Square, Suite 616,
Pittsburgh, PA 15219, in the amount of \$800.00
in payment for professional consulting services
rendered to Councilman Eugene Ricciardi for the
month of November, 1993." --- (SPONSORED
BY MR. RICCIARDI)

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Ferlo	Mr. Ricciardi
Mr. O'Connor	Mr. Smith

AYES 6 NOES 1

(MR. WAGNER VOTING NO)

And there being two-thirds of the votes of Council being in the affirmative, the bill passed finally.

Mr. Darkins presented

Bill No. 3459

Report of the Committee on Public Works for November 17, 1992 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3394

A Resolution entitled, "Resolution vacating: (1) Raff Street from Anthony Street in a northwesterly direction a distance of 172.89 feet to Lot Number 35 laid out in the William Barker, Jr. Heir Plan to Lydia Street; (2) Raff Street from Lot Number 35 laid out in the William Barker, Jr. Heir Plan to Lydia Street; (3) Lydia Street from Raff Street in a southeasterly direction a distance of 161.89 feet to Lot Number 40 in the William Barker, Jr. Heir Plan in the 15th Ward, 5th

Council District of the City of Pittsburgh."

Which was read.

Mr. O'Connor:

On Bill 3394 I want to thank Council for its preliminary support. By vacating this street it will be the first step in putting the first senior citizen housing in the Greenfield area and its much needed and much appreciated by the neighbors and I just want to thank them for taking this step. It will be quite an asset for the Greenfield community.

Also,

Bill No. 3356

A Resolution entitled, "Resolution granting unto the University of Pittsburgh, 3525 Forbes Avenue, Pittsburgh, Pennsylvania 15260, their successors and assigns, is hereby granted the privilege to construct, maintain and use at their own cost and expense, a parking area in the right-of-way of Sutherland Drive in the 4th Ward, 8th Council District of the City of Pittsburgh."

Which was read.

Councilman Smith:

Discussion on 3356 which is the granting to the University of Pittsburgh the right to use the street. I believe in Council session I raised the question as to whether they were paying 20% tax as their letter stated from us or whether they were paying the mandated 26%. Maybe Councilman Cohen received, as the Finance Chair, a response to my question but at that table they said they could not answer it. Here is yet another question posed by the body without a response. I will not hold the bill but I know that every department head watches these Council sessions and I think it is only appropriate that they respond to our

questions, if nothing more than a memo. I find that it is very disheartening that it is the body that is not responded to, not an individual, and I think that is a pertinent question to ask and it should have been answered. You have received nothing? I just wanted to so note that here's yet a second bill in the same days agenda to which we have not received a response.

The Chair:

Mr. Perry, no response?

Mr. Perry:

No response.

The Chair

There is a motion to recommit. Let's put it on the floor.

Mr. Smith:

I would permit this to go through so they may begin their remarking and help ease some of the parking problems of Oakland but I just wanted to raise, because I've held this bill one time for other questions.

The Chair:

Well, Mr. Perry, even though we are going to vote on it we need a response immediately relative to Councilman Smith's questions.

Michelle Madoff:

That will never happen until you hold up the City's business.

Also,

Bill No. 3357

A Resolution entitled, "Resolution amending and supplementing the Pittsburgh Code, Title Six - Conduct, Article I, Regulated Rights and Actions, Chapter 619 - Refuse Collection and Recycling, by supplementing Section 619.02, Municipal Waste to be Collected by City, by providing for refuse pickup within 48 hours before, during, and/or within 48 hours after the Fourth of July Holiday." (AS AMENDED IN COMMITTEE)

Which was read.

Michelle Madoff:

On Bill 3357, the bill to pick up the refuse 48 hours before, during and/or 48 hours after the Fourth of July holiday, as you may recall, the before failed. I know that three or four of us were quite adamant about doing something about the hot weather that usually accompanies July Fourth and the odors and smells and garbage which is inflicted on people. It doesn't need to be and I just want to reiterate that while we are going to be picking the garbage up hopefully each week, I still think that the July Fourth garbage should be picked up within 48 hours because its an unusual amount and just making space available to keep your garbage a week is not the answer and I hope that enlightened people in the coming year will change that and remove "the before," and just leave it as it is with "during or 48 hours after." I know we don't have the votes for it today. At least there has been some progress but I would hope that as you see it is a problem, it will be changed.

The Chair:

Is there any further discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Michelle Madoff	Mr. Wagner
Mr. O'Connor	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Ferlo presented

Bill No. 3460

Report of the Committee on Planning, Housing and Development for November 17, 1992 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3395

A Resolution entitled, "Resolution further amending Resolution No. 1348, effective January 1, 1993, entitled 'Adopting and approving the 1993 Capital Budget; and the 1993 Community Development Block Grant Program and approving the 1993 through 1998 Capital Improvement Program,' by decreasing Project 8-Penn-Liberty Cultural District Street Improvements by \$1,100,000 from \$1,370,000 to \$270,000."

Which was read.

Also,

Bill No. 3396

A Resolution entitled, "Resolution amending Resolution No. 69, effective February 16, 1993, entitled 'Authorizing a Cooperation Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh providing for the transfer of an amount not to exceed \$1,370,000 to the Authority to be used for streetscape improvements in the Penn-Liberty Cultural District and providing for the payment of the cost thereof,' by decreasing the cost to \$270,000."

Which was read.

Also,

Bill No. 3397

A Resolution entitled, "Resolution further amending Resolution No. 1348, effective January 1, 1993, entitled 'Adopting and approving the 1993 Capital Budget; and the 1993 Community Development Block Grant Program and approving the 1993 through 1998 Capital Improvement Program,' by increasing Project 473-Crawford-Roberts Renewal by \$1,100,000."

Which was read.

Also,

Bill No. 3398

A Resolution entitled, "Resolution authorizing a Cooperation Agreement or Agreement with the Urban Redevelopment Authority of Pittsburgh providing for the transfer of \$1,100,000 to the Authority for public improvements in the Crawford-Roberts Redevelopment Area."

Which was read.

The Chair:

I simply want to state that I am not opposed to certainly the Crawford Roberts and Crawford Square Project but I would like my comments brought forth from last week's meeting regarding the \$1.1 million dollar windfall on the cultural district project and I'm still of the strong belief that those dollars should have gone to the Fifth Avenue project - a project that has not received the attention it deserves and a project that needs to desperately begin, and something to happen in the Downtown corridor.

Councilman Onorato:

Comments brought forth on the same bill.

(REMARKS ON FOLLOWING PAGES)

(MESSRS. WAGNER AND ONORATO'S COMMENTS ON BILLS NO. 3397 & 3398)
(Wednesday, November 17, 1993)

Mr. Onorato:

Director, you explained there was cost savings in the Penn Liberty Project, that is why we have \$1.1 million. When you transfer it over and we are going to use it in the Crawford Roberts development, is this additional money now for Crawford Roberts? If so, what are the improvements you refer to here?

The reason I say it goes back and forth, how did you make the decision to take the savings to improve Crawford Roberts, which is on the edge of the Downtown area as opposed to continuing it Downtown? I want to know what the thinking is there and where you are going with it.

Mr. Birru:

I think that to answer your questions, we have a lot of priorities. We can spend that \$1.1 million in very many different projects. Why we selected Crawford Square right now is we are having a very, very strong momentum in Crawford Square. We have completed Phase I really ahead of time. Our expectations have been fully met in a number of ways and we like to build the momentum right now. We have met with the foundation committees, with the Pennsylvania Finance Housing Authority and plannings are being committed for us to build the houses, we have to build infrastructure. So this \$1.1 million will be used as part of our funding for infrastructure for Phase II of our Crawford Square development.

Mr. Onorato:

So the \$1.1 million, which is an additional amount on Crawford Roberts, basically allows you to speed up the project?

Mr. Birru:

That is correct, yes. We have a bid down in the package I gave you of Crawford Square, what we have done, what we have completed so far, and how part of this money will be spent. So basically, we are transferring the money from engineering on one side to another side which would also be engineering.

Mr. Onorato:

Crawford Roberts is an excellent project and I think it will really improve both the Downtown and the lower Hill. I was just wondering, under the Penn Liberty Project, don't we have the private owners involved with funding some of that project?

Mr. Birru: -

No. I think the impasses we had in the Penn Liberty was primarily on the smaller buildings. We had the participation of the cultural trust towards the development costs. They were, you know, (inaudible) in terms of providing some funding.

The bigger stores like Hornes and Fifth Avenue Place, we believe that they have the capacity to do the sidewalk and improvements themselves, so it is our policy consistent with what we have done with Kaufmann's, so on, that they should be able to do it.

So our emphasis, all we have done was (inaudible) to the smaller properties where there is not significant value for us to ask them to raise their funds.

Mr. Onorato:

Okay.

Mr. Wagner:

Director, how was the decision made to use the moneys on Crawford Roberts? Who made that decision?

Mr. Birru:

The URA and the board.

Mr. Wagner:

How about the Mayor's office?

Mr. Birru:

We had concurrence from the Mayor office. All legislation comes here with concurrence from the Mayor's office.

Mr. Wagner:

Was the Fifth Avenue project taken into consideration as to the dollars should be applied to that project?

Mr. Birru:

Absolutely, yes. I mean, we had a series of other projects.

Mr. Wagner:

Let's talk about Fifth Avenue for a moment. There has been public discussion on Fifth Avenue/Wood Street for four or five years since the Mayor took office, and still there is no shovel

in the ground doing anything on Fifth Avenue. Quite frankly, Fifth Avenue is becoming the new Liberty Avenue of Pittsburgh with the deterioration that has occurred there.

Where did that weigh in the decision of where else these dollars should be utilized?

Mr. Birru:

One, \$1.1 million is just a very, very small amount of money compared to the development cost of Fifth Avenue. No. 2, to do Fifth Avenue we need tremendous participation from the building owners, the big building owners. We have some with the building owners. Towards that end, we are working in terms of creating a Downtown organization for which this Council approved a budget for us to ask DCA to provide with us some funding to organize a Downtown organization.

To do Fifth Avenue, we need tremendous fund raising. We have done through the state capital budget that wasn't approved, I think there is some money in the Iced Tea legislation. So I think it is probably a few years ahead of us until we can do the project.

The Downtown organization has to be done first, which will be able to levy some funds towards the construction of sidewalks, so on.

Mr. Wagner:

It really comes down to a matter of priorities.

Mr. Birru:

It is a matter of priorities right now given the momentum that we have, among probably 30, 50 projects at the URA. Believe me, we have so many of them.

Mr. Wagner:

That is where I, from a philosophical point of view, disagree that there is not enough public discussion as to how these moneys should be reapplied. This Council simply gets a piece of legislation that takes a large sum of money, takes it from one project and puts it to another, when, in fact, \$1 million could be the nucleus behind any project in the City of Pittsburgh to get it up and running and moving. Not to say Crawford Roberts is not a great project, and this Council has strongly supported Crawford Roberts, including myself, in many, many different ways with different legislation.

But I really think in terms of priority that Fifth Avenue has to become the priority of capital initiatives for Downtown Pittsburgh. If moneys are to be redirected from one project to another in Downtown Pittsburgh, they should go to that corridor. That corridor is suffering, it is suffering immensely. There

have been public commitments to address it. In essence, nothing has occurred and deterioration is continuing. If we continue to wait, we are not going to be ever able to find enough money to bring that corridor back. And maybe \$1 million doesn't sound like enough, but I think \$1 million is enough to plant trees, put in sidewalks, at least for one block or maybe two, whatever. It is something significant to show signs of progress.

If I had my wish, I would like to see those moneys applied to that corridor immediately. You know, we have let Downtown down by talking about Fifth Avenue for five years but doing nothing about it.

Mr. Birru:

Well, I agree with you fully. But in the short term, I think given the various projects that we have -- and believe me, we do go through various deliberations, discussions. City Council has made tremendous commitment for Crawford Square. We have gotten a developer who is working diligently believing that the commitment that was made by the city, the URA, will be met.

Mr. Wagner:

And doing a great job, the developer, all of you are. I would never suggest anything otherwise. All I am saying is that there is another decay, and it is a big time decay, and it is not being addressed.

Mr. Birru:

We are addressing it in a different way, but I share your concerns.

(Mary Anne Hruska resumes reporting meeting.)

Transcribed by:

Helen L. Kriebel, Stenotype Reporter

(CONTINUATION OF MESSRS. ONORATO AND WAGNER'S COMMENTS ON BILLS NO. 3397 AND 3398, WEDNESDAY, NOVEMBER 17, 1993)

Mr. Onorato:

Director, unfortunately these are all good projects and I will differ a little bit with Councilman Ferlo in that I look at these as additional dollars. Either you get revenue or you save expenditures. You're telling us you save expenditures on Penn-Liberty at \$1.1 million so that's found dollars but we have less expenditures. The frustration we have here is that we never have a chance to actually discuss and bounce ideas of what we could use the money for and as I'm sitting here talking you and I know that on the Federal North Project on the Northside we're trying to match \$3 million of state funding that will come to Pittsburgh. If we can match three they'll give us three in their six million and I know we're struggling right now to at least get \$2 million of the \$3 million matched which will give us a total of four. This would have been a golden opportunity to release all \$3 million from the state in matched for a federal project. So what you would have had going at that point is the Crawford-Roberts development and you would have started another area that's blighted with \$6 million coming from the state, this was found money, and just so everyone knows that I'm not being parochial, that is also in Councilman Smith's district. I'm bouncing this as an idea of something that we didn't get a chance to debate, be it the Fifth Avenue, be it the Northside, be it Crawford-Roberts and I don't think I have to remind anybody here since the untimely death of Councilman Milliones, there's no Councilmember sitting on your board and therefore no Councilmember sits in your discussions on the board meetings and I think that's a problem. I think that we have to look at that and that was another example of how the body got removed from the discussion and I'm sure there are probably five other ideas that would come out of here of where the money could be spent but they're all good projects and I'm not sure if speeding up a timetable here is the best move. I guess what I heard here and the question I will ask, if the money is in the 1994/95 budget as Councilman Cohen asked and you said yes it is, is it possible then that we can pledge those dollars to release the state dollars for the Federal North Project?

Dir. Birru:

That is an entirely different question. We're confident that we have the funding to do it. I'm not frightened by any lack of funds to that project. We have a city commitment that approves the capital budget, we have \$1.5 million and when we look at the Federal North Project we have to look at both the commission project, the Allegheny General Hospital Project plus housing projects around it, so if you include all these properties together and so I'm confident that we will have all the funding. So immediately right now in Federal North is \$4

million, we have a local match of \$2 million and we'll be able to get \$2 million from the state and that will help us acquire, demolish and prepare the sites for the AGH construction.

Mr. Onorato:

The way that works too, the third million, the million that we are not going after, that stays in the Strategy 21 and we could match it later?

Dir. Birru:

That's right.

Mr. Onorato:

I guess you can understand our frustration. This is the only opportunity we get to discuss and debate the issue of the money where it should go and unfortunately it's always at the last minute that we have to vote today. It isn't something we have hours to discuss because of our agendas so that's why a lot of times all these questions pop up because there are no committee meetings or previous meetings that we participate in. Thank you.

Mr. Wagner:

Director, how much public money do we have into the Crawford-Roberts so far?

Dir. Birru:

I'm not sure about the figure.

Mr. Wagner:

Give me a ballpark.

Dir. Birru:

Including water and sewer, roadwork and so on.

Mr. Wagner:

There's money in many different directions, land acquisition. I can go on and on.

Dir. Birru:

Honestly I hate to make that kind of estimate.

Mr. Wagner:

Ballpark?

Dir. Birru:

That is difficult.

Mr. Wagner:

Five million?

Dir. Birru:

Way in excess of that.

Mr. Wagner:

How much is intended over the length of the project in future budgets?

Dir. Birru:

I think for roadways, street improvements, water and sewer, we should be able to do most of the 500 units.

Mr. Wagner:

How much is intended over the future budget?

Dir. Birru:

About \$3.9 million for infrastructure development.

Mr. Wagner:

Is that each year?

Dir. Birru:

In the coming one year and I think with Council's approval now we will have enough funding from the previous allocated funds and with this \$1.1 million we should be able to do most of the work.

Mr. Wagner:

I wanted to be make it known for the public record and I know it's Councilman Smith's district that I have been one of the strongest proponents of that project. Councilman Milliones was a very strong proponent of the project when there was even some questions here at this Council I supported each and every piece of legislation.

I want to get back to what I was saying before that. We have not spent any dollars on the most important retail corridor in the city and that is the Fifth Avenue, Wood Street, Smithfield Street Corridor and what we have here is a windfall of dollars saved on another project from the Penn-Liberty Cultural District over \$1 million. We're going to have several other windfalls occur shortly if not within the next month or two, within the next six months one of which is the courts facility building which came in under projections at least \$1.5 million will be saved based on how Council allocated monies for that project in the capital budget. My point is that we're going to have several windfalls and the process by which we determine how they are utilized is really not fair publicly or to this legislative body. It should not be done with two or three pieces of legislation indicating the transfer of dollars from project A to Project B. It should be part of a big picture and the big picture is the budgetary process of which Council is part right now. Of which there is public input into the process. So we have is we have a savings of over \$1 million from a project and I would make the suggestion that that \$1.1 million should become part of the discussion for the 1994 capital budget and as part of that capital budget we should determine where the priorities are and where they should be and how they should be allocated. If Crawford-Roberts is the priority and is more important than the Fifth Avenue retail corridor it should be allocated to that project. If it is not it should be allocated to the Fifth Avenue Corridor. The same with the windfall savings and the contracts and the bids for the courts facility building. It should not become a matter of determination by the URA, it should be a matter of determination by the elected officials and I can't be more clear about that. There has been a public commitment towards the Fifth Avenue Corridor that retail corridor of which that commitment has not been met and it needs to be met with real dollars and what we have available are some real dollars here to do that and I would make the argument that we should not vote on these bills today and we should hold them to be part of the capital budget for 1994. You may disagree with me and I respect that but as an elected official I will state this and I have been an advocate of redeveloping Downtown since the day I came on this Council when Council was at large and now at district and none of my district is in the Downtown. I'm a believer that the business district of the city must be alive and vibrant. And I just marched in the Veteran's Day Parade along with a majority of my colleagues and I have to say to you that the Fifth Avenue Corridor is an embarrassment and there is not enough of a priority to put capital dollars in initiating that project. We keep saying there's not enough public participation but in saying that we know that there are small building owners and we're never going to get a sufficient amount of public participation from certain property owners because they don't have cash to put up to have that public participation. We need to do something and we have an opportunity to do that and I

would make the strong argument that now is the time to do that especially if we have extra dollars from another project that could be applied to that project.

Dir. Birru:

The priority of Downtown is a priority but right now and I think you must have some level of trust with the process as we do business. At the URA we kind of formulate our projects way ahead of time in which there is tremendous public discussions, Council discussions and commitments are made well ahead of time for private developers to come in and I think to be the wrong message for private developers to halt the development of Crawford-Roberts right now. If we don't do it right now with this money you're talking about a tremendous delay in the implementation of the project.

Mr. Wagner:

It's going to be put into the 1994 budget if we don't do it with this money. Crawford Square is not going to be held up. That project is not going to be held up. There is enough commitment from everyone to make sure that project is not held up.

What I'm really saying is the priority of projects has to be more of a public process rather than four pieces of legislation voted on in one day.

Dir. Birru:

If you are committed not to hold it in the capital budget hearings, why not make the decision right now? And what I'm saying is it's important for us to go through a bidding process. We are going to our board and to the Mayor's Office and it's important for me to be able to hire the engineers and proceed with the development.

Mr. Wagner:

We don't have the time to waste on the Fifth Avenue Corridor also and the time is being wasted and that's my point. You're in an administrative position of which you're required to move forward and be a part of that process and I appreciate that but we are elected officials and the elected officials have to determine what the priority projects are and I'm saying that there's a big priority project that's not getting it's priority.

Dir. Birru:

I think Fifth Avenue I will be very open in my discussions. It's not going to be done with all public funding and I think it requires a strong leadership and we're seeing some of that right

now in the Downtown area. It has to be the building owners and the private sector taking some leadership and the public sector playing a role in the implementation of the project. That should be private sector driven initiative. There is no harm in waiting for Fifth Avenue but there will be harm in waiting for Crawford Square.

Mr. Wagner:

That's where you and I differ. There's tremendous harm in waiting for Fifth Avenue and our eyes do not deceive us.

Dir. Birru:

The money cannot be spent right now.

Mr. Wagner:

It can be and it has to be publicly driven because it's not going to be privately driven and if anyone thinks that that's the way in which that project is going to be done, we are deceiving ourselves and that's what we have been doing for five years and that's precisely my point and the reason why it has to be publicly driven and the reason why it has to be publicly driven is the number one retail corridor of the city and we cannot step aside and think others are going to pick up the ball and run with it, it has to be us.

Dir. Birru:

I don't see why Pittsburgh has to be an exception when cities like Philadelphia --

Mr. Wagner:

-- we are going to have a philosophical discussion and that's really where it should be as to how these dollars are spent and it's not happening.

The Chair:

We have a motion and a second on these four bills and if there is no other discussion, all those in favor signify by saying aye? Opposed? The ayes have it.

Mr. Wagner:

Abstain.

(END OF COMMENTS)

PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

The Chair:

Is there any further discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Michelle Madoff	Mr. Smith
Mr. O'Connor	

AYES 7 NOES none

(MR. WAGNER ABSTAINING)

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 3361

A Resolution entitled, "Resolution approving execution of a Contract for Disposition of Land by and between the Urban Redevelopment Authority of Pittsburgh and AHI Development, Inc. for the sale of Block 15L Lot 257 in the 18th Ward of the City of Pittsburgh (SIDEYARD)."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Michelle Madoff	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Smith presented

Bill No. 3461

Report of the Committee on General Services for November 17, 1992 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3428

A Resolution entitled, "Resolution providing for a license agreement or license agreements with the Overbrook Community Council for the use of certain City property at 2415 Saw Mill Run Boulevard for a nominal fee of One Dollar (\$1.00) per year."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass

finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Michelle Madoff	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

MOTIONS AND RESOLUTIONS

Michelle Madoff:

Mr. Perry may recall that some fifteen years ago we had a problem with the downtown facia - the brick of the gargoils and the trim falling down, we had a street blocked off. People were almost hit in the street, it's like the sky was falling. I think we are having the same problem again, only this time although its not the city's responsibility, I think we need to notify somebody in the state. You may recall that part of the road on McArdle Roadway came off. That was our fault and two young people had a part of the wall fall through the windshield and recently we heard about a car coming through the tunnel that had their windshield broken with part of the bridge or something above falling down. Well, Saturday night I was driving back from Ikea and just as I came from the Pittsburgh side of the Carnegie Bridge I was hit by some either rock or bolt and I have three big dents in the top of my car and I called and reported it to the police thinking there may be some kids on the bridge which I doubt because as I think back it was a dark rainy

night so the evening we were out was not the sort of evening that people would be doing this. I just thought that it might be appropriate that we send a letter to the state. Obviously with the rain and the expansion, the hot and cold, we are having problems. I'm not the only one, but I think its something that needs to be addressed.

The Chair:

Where is that, Councilwoman?

Michelle Madoff

Well, my particular episode took place on the city side of Carnegie Bridge, as you came under the Bridge. But I understand the one in the newspapers and on the news was coming through the tunnels and obviously we are having some problems with erosion. Dan, I believe you were handling a lot of the Squirrel Hill tunnel problem, you know the bridge going over Squirrel Hill when we had the nets and so on. There's some real problems with deterioration and the state better take a look at it before somebody is killed.

The Chair:

Is that in the form of a motion or just a request?

Michelle Madoff:

I would just like to make a request that Mike send a letter from Council saying that there are some problems or erosion in parts of the bridges falling down and we've had some real episodes, what they are that I just outlined, and you know, an ounce of prevention...

The Chair:

Any other items?

Mr. Onorato:

Mr. President, on whatever day that was last week when we had the public hearing on your proposed gun legislation, I made some comments about the ACLU's position and wondering where they were. I sent a letter out on Friday. I faxed it over and mailed it and they responded. I'd just like to read the short letter sent to the ACLU. I sent this over to Vic Walsack. I think this is very critical, not so much just for your bill but for every bill that we address from this point forward dealing with public safety because we have seen what their actions can do to a particular bill when they are against it, especially with court cases and money that we have to spend just to defend bills that we're trying to implement in the City.

I put, Dear Vic: I was very surprised when the ACLU did not appear at City Council's public hearing on the proposed gun legislation. It is also hard to believe that the ACLU did not send a letter regarding their opinion on the proposed bill. Would you please let my office know on or before the preliminary vote Tuesday, November 23, 1993 the ACLU's position regarding the enclosed proposed gun bill. And we sent the bill over. The ACLU is quick to defend a person's first amendment right when it comes to burning a flag and the ACLU is first to argue that prayer should be removed from schools because of a violation of the first amendment. More recently, the ACLU testified in front of City Council against the proposed anti-drug loitering legislation.

Additionally, the ACLU warned or threatened to immediately take the City to court if the anti-drug loitering legislation passed. It appears that the ACLU is very selective in choosing which constitutional amendments are worth defending. Based on your action or inaction, I must conclude that the ACLU respects the first amendment more than the second

amendment. I look forward to hearing from you. Sincerely, Dan Onorato, Member of Pittsburgh City Council.

To their credit, they responded by fax today and I'd just like to hit the main point in their letter. As you can see, the letter is about five pages and I will pass it out to everyone. It just came in about an hour or two ago. But the actual letter is only about a page and a half. The rest is an editorial that was in the paper about seven months ago and just footnotes to their letter. But basically, it says, "thank you for your letter. I was in Washington DC last week at an international conference focusing on the problems of crime and violence. I hope to have occasion in the near future to speak with you about some of the ideas discussed. Accordingly, I was not in town for the November 18th hearing on Jack Wagner's gun legislation. Even had I been in town, however, I would not have testified for or against the bill, as the ACLU policy on gun control is one of neutrality." So its obvious that they do not take a position one way or the other and then they go on to quote that they support a 1939 Supreme Court decision which states that regulation, the second amendment, only applies to a regulated militia. It goes on to say that they enclosed a copy of a letter to the Editor John Craig and under their reasoning for staying neutral which I find very interesting where they say with respect to firearms the ACLU believes that this quality of dangerousness justified legal regulation which substantially restricts the individual's interest and freedom of choice. They go on and explain that there is a big dispute within the ACLU and their board members - should we support regulation of gun control or not take a position. They say that their wording of dangerousness justifies legal regulation but does not mean they support gun control. It just means that they understand that local municipalities and states might have a reason to introduce legislation. I still stand by what I said on Wednesday. I don't think its right that they pick and choose what amendments they

defend. It would only reason that if the ACLU is truly going to defend liberty, civil liberties, and defend the constitution, that they would defend all of the amendments. I would have to assume that they would have to fight any type of legislation coming forward either by this body or at the federal level on the grounds that it violates the second amendment. But even they recognize, when they say because of the dangerousness, that there might be reason to regulate guns. And that goes to the issue of any piece of legislation that we put forward, be it anti-drug loitering, be it a curfew bill, be it whatever it might be. There is a dangerousness out there that we have to deal with, at this level, at the state level and the national level. And the ACLU even recognizes that in this letter. However, it just goes to a particular issue that they have a soft spot for and they don't want to challenge so they say we'll be neutral. I wish they would stay neutral on a lot of other issues that will be coming before this body next year because the fact that they don't stay neutral only costs us more money in court and the particular bill that they wanted to challenge at stake was issuing citations - the possibility of an innocent individual being picked up and having a call into their parents or getting a citation in response to what we're fighting with now - drive by shootings, drug deals, and the incident that took place between the police and the individual firing upon each other. I think that the ACLU should step forward at my request. They should sit down with Council and discuss the legislation with us or review it and make suggestions where they want changes and not just throw up their hands and say we are going to take you to court and challenge you on any piece of legislation that you put forward to address the drug issues in the City of Pittsburgh. I once again will reiterate that I think its hypocritical. I will pass this letter out to my colleagues and I will look forward to any other response from the ACLU and any discussion coming forward.

The Chair:

Thank you Councilman Onorato. Any other comments on that issue.

Michelle Madoff:

Tomorrow at 10:00 A.M. will be the vote on the gun legislation and I know we will get into it tomorrow but in line with what Mr. Onorato has just said, and you have reiterated many many times, this is not going to be the end all. Its just the first step in saying we care; we're going to do something. And I would like to see the courts start to do something. I'd like to see the City Administration, whoever that may be, start to make sure that our kid's are all fingerprinted, the ones who get into trouble and who are picked up, because they are underaged and have no record of them. It just becomes a hopeless, ongoing mess. The kid's know they can get away with it and how do you handle that kind of thing. We've got to do something about getting the trouble makers off the street.

Mr. O'Connor:

Well, basically its the same subject. I think a House bill was introduced today concerning more or less boot camps by somebody from Altoona. Young people who cause or disrupt schools would be sent to a boot camp and taken out of the main stream. The reason I bring it up, and I would be interested to see how the ACLU is on this, too, because talking to school board members in the City we have no alternative for discipline for children now. What they have been doing is just checker board. If you are expelled, then naturally we are not allowed to expel you, so you are permitted back in the school so they are just moving the problem around. But they are considerieng alternative education, alternative meaning move you out of the main stream and put you in a place where its special education, special discipline and when you start

to obey and act like 99% of the rest of society then you have a chance to come back in. The reason I am bringing it up, I strongly support that because I have a child in the school system and it only takes a few to disrupt what the other 99% are doing a good job at. So I would encourage our school board to keep working, and I hope by next year, by January, they have this alternative discipline for the kid's so that they don't disrupt the rest of them and this looks like our House, and maybe in Harrisburg and etc., they are starting to address the problems that we face on a day to day basis. It took somebody from Altoona to do this. How bad can it be in Altoona? But they are more worried about our kid's than some of us are in our school system.

The Chair:

Any other comments on the gun issue, ACLU, bootcamps?

Mr. Onorato:

Yes, Mr. President. One thing that I have to comment about since the media has been grabbing all day about this issue. Everybody heard about the shooting this weekend with the police officer and the teen and this dispute over the homicide squad and whose going to investigate it, County vs. City. I want to make it clear that the City in no way is going to interfere with any investigation. The City has a homicide squad. So does the County. Historically, we are the only municipality in the County that has their own detectives do this. This case happens to be an officer involved. We should send a signal out that we are going to back up the officers. We should have proper investigation. There will be a coroner's inquest which is a county-level officer in addition to the Office of Professional Standards in the City in addition to our own homicide squad. There will be three levels of review here. I don't want anyone to think that this will not be reviewed. It's unfortunate that none of

us realize what this poor officer must be going through right now knowing that he killed a young person. But, this should be a signal to the young people and everyone on the streets that we are telling our officers to do whatever it takes to defend themselves and to defend the streets. If they are going to be fired on, this is one Councilmember and elected official that's going to stand behind the police force and tell them to respond with appropriate force. If they are fired on, they must fire back. They must protect the streets. They are the ones out there everyday protecting our streets. I'll tell you right now, I'm glad I'm not a police officers cause I don't know if I would want to do what they have to do everyday of the week. But they were fired upon; let the investigations go forward. Let's don't have a quarrel in the newspapers - should it be a county, should it be the city, cause the coroner will have an inquest and everything will come out there and hopefully, this will be proved to be justified. But, the people should realize that the officers have guns and they have the command to go forward and defend the streets and if they are fired upon they are going to respond. And if it happens to be deadly force, so be it. We are not playing with toy guns. These are real guns up there. We had a police officer die in McKeesport just ten days ago or two weeks ago. We are not gonna have our officer stand there and not fire back.

The Chair

Any other discussion on other issues.

Mr. O'Connor:

While we're getting tough here, I wonder, and I certainly support the police. If anybody pulls a gun, they should shoot first and ask questions later with guns. So we will support our police officers here.

The Chair:

I don't think we should be setting policy here.

Mr. O'Connor:

If you're out at 3:00 A.M. in the morning on a drug corner pulling a gun on a cop, I think you better duck. I was curious. I watched the news and they showed all the violence and crimes and I followed very closely and it seems that most of these people are caught and I would wonder if there are statistics, Mr. Onorato, maybe you could tell us. It seems like so many are caught and maybe the news media, and us, aren't educating the people who are doing this. Again I'd like to know the percentage that we could at least advertise, "Look, crime doesn't pay" because it seems like they are catching almost all of them. In Hazelwood, we had a shooting two weeks ago and its not brain surgery. They just guard two and three main streets headed toward the Homewood District or that end and they catch them. Most of them are being caught and I think if the young kids realize that most of them are being caught and doing time, maybe they would think twice before they commit these acts. Do we have the records of the crimes, especially the major crimes, how many are being caught now?

Mr. Onorato:

Yes, the public safety department has all those. I don't have them on me but we can get it.

Mr. O'Connor:

I'd like to see that. Maybe we can alert the media that crime doesn't pay. It seems like a lot of them are being caught - carjackings, etc.

Mr. Darkins:

I would like today to send a message to

the bereaved family of the Bey boy that was killed the other day. I think that I support the police department and all their efforts in trying to bring safety to the City of Pittsburgh but I think on a more louder or lower note I think we should be talking in turns because it could happen to any of us in our own present family. And I would just to like to convey a note of sympathy in their hour of bereavement. Anything else that comes out will come out at the inquest. But I definitely want the family and the public to know that they share my deepest sympathy in their hour of sorrow.

Mr. Smith:

Yes, just quickly, I think that before we take an issue and do not have a report, because I believe I saw the coroner on television discuss eleven bullets in the back, I think that before we raise issues and make stands in an attempt to give a policy, I will stand 100% behind all of my law enforcement as long as they stay within the perimeters that society has given them. I think that it is inappropriate for us to attempt to give a policy or to create such an image that we will permit people to operate beyond their own guidelines that exist in law enforcement. I will support the use of every tool, the defense of every officer on the street, but I think that we must temper that with the education and training that they have gone through and that we need to have all of the evidence before this case is tried in a newspaper so that there is a need to protect our officers and I will be the first on that line. But I think that we should be very careful in the statements that we make and how they may be interpreted by people who make split second decisions and life and death decisions within that split second. So I would just offer a note of cautiousness as to how we respond in the future to incidences that we have yet to receive a full report on.

The Chair:

I agree Councilman Smith and to a great degree some of these incidences we should not even be discussing publicly because we don't know all the facts and we could stand here and talk all day and it really is meaningless unless we know factual information behind it. So I would suggest that we don't talk about it at all.

Mr. Onorato:

In response. A lot of your comments and Mr. Smith's comments are directed at me or probably Mr. O'Connor. In no way did I say that I was judging guilty or innocent.

The Chair

I didn't say you were, Councilman Onorato. I just don't think that we need to start laying out for public discussion particular incidences involving the police.

Michelle Madoff:

Mr. President, it would seem to me that we have a very strong advocate in our enforcement through Councilman Dan Onorato. If we could get the Administration and the Department to really take us seriously, I am sure when this episode took place, or any episode, but when something like this happens and there are terrible rumors going around and I want to touch on them, the Mayor is briefed immediately. I

think that Council Members need to be briefed as soon as possible with the understanding to keep their mouth shut and they don't tell the news media and they understand what is happening so that this doesn't become a festering, lingering cancer if indeed there is any culpability on the part of city government and those who represent us. If they want our opinion, they give it to us. It's always been us. I enjoyed hearing Councilman Smith say twice in one day he didn't get an answer from the department. I've had that 2000 times, right Mike. And so have my colleagues - so what's new? And until this body starts pulling together - you've got the votes, you've got the power, and say, ok we don't do business till we get the information. You let them know you mean business and you'll get the information you're entitled to. But I know the same thing Chris has heard and others have heard and before you rush to judgement, sound familiar, it would seem to be that we should be briefed, whoever is on Council, as to what really did transpire - the key factors. The rumors are probably a lot worse than what actually happened. You are entitled to know, and certainly the President of Council should be informed.

The Chair:

Or the Chairman of the Committee.

And on the motion of **Michelle Madoff**

Council adjourned.

MUNICIPAL RECORD

Proceedings of the Council of the City of Pittsburgh

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Tuesday, November 30, 1993

No. 46

Municipal Record

ONE-HUNDRED TWENTY-SEVENTH COUNCIL

JACK WAGNER President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON-WASLER.... Asst. City Clerk

Pittsburgh, PA
Tuesday, November 30, 1993

PRESENT:

MR. COHEN	MR. ONORATO
MR. DARKINS	MR. RICCIARDI
MR. FERLO	MR. SMITH
MICHELLE MADOFF	MR. WAGNER
MR. O'CONNOR	(Pres't)

The Meeting was opened by the recitation of the Pledge of Allegiance to the Flag of the United States of America, and a moment of silent prayer for peace throughout the world.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Cohen:

Good Morning everyone, would the people from the Pittsburgh Blind Association please come forward and Mr. Jim Roddey.

Members of Council and everyone who is here this morning, I am very happy to present the following proclamation to The Pittsburgh Blind Association and too the hononree at an upcoming Luncheon Mr. Jim Roddey

Mr. Cohen presents

No. 3480 WHEREAS, the Pittsburgh Blind Association was founded in 1910 as a workshop for the adult blind and has established a mission of providing employment and other services to people who are blind, and conducting prevention of blindness activities in Allegheny County; and

WHEREAS, each year, the Pittsburgh Blind Association directly touches the lives of over 1800 people who are blind and visually impaired, and screens over 11,000 youngsters for vision problems in an effort to prevent blindness; and

WHEREAS, the Pittsburgh Blind Association is structured into three major areas of service: rehabilitation, job placement and vocational training, and outreach services which together attempt to enable individuals who are

blind to meet their highest level of independence;
and

WHEREAS, on Wednesday, December 1, 1994 the Pittsburgh Blind Association will honor James C. Roddey as its 1993 Person of Vision at a luncheon in his honor; and

WHEREAS, Mr. Roddey serves as President of Start Cable Associates with service to numerous public, private and non-profit organizations; and

WHEREAS, Mr. Roddey has a distinguished record of service to the community having served from 1990 to 1993 as Chairman of the United Way of Allegheny County, and as past President and Chairman of the Eye and Ear Institute, Pittsburgh Blind Association, Three Rivers Arts Festival, Pittsburgh Public Theater, United Negro College Fund and the National Conference of Christians and Jews; and

WHEREAS, Mr. Roddey, a former captain in the U.S. Marine Corps, has been married for 40 years to Elin Roddey and they are the parents of James Dale Roddey and Margaret Elin O'Neal as well as the grandparents of Patrick and William O'Neal;

NOW THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh commends and congratulates the Pittsburgh Blind Association for its 83 years of service to the community; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh commends and congratulates James C. Roddey for his many years of outstanding service to the Pittsburgh community.

Mr. Cohen moved to adopt the resolution.

Mr. Onorato seconded the motion.

Which motion prevailed.

Mr. Cohen:

If there is anyone who doesn't think that the blind and visually impaired can't contribute to society and can't make contributions to the City of Pittsburgh, please come and visit the Pittsburgh Blind Association located on Craig Street between Forbes and Filmore and it is truly a whirl wind of activity.

I have visited there several times and you go in there and you see so much that is going on, including workshops for job placement for training; and at night the building is very active with community meetings all the time, including the Belford Area Citizens Association's Monthly meeting and a number of community groups. It is also a polling place in the North Oakland Area, so it really is a community center as well as a center for the blind and visually impaired.

I am very happy this morning to have with us from the Pittsburgh Blind Association, Mr. Dennis Huber, who is the Executive Director. I have worked closely with Dennis since I've been on Council, on issues like putting audible traffic signals on the Craig Street Corridor, for those of you who are familiar with the area the Craig Street Corridor includes the School for the Blind as well as Moorehead Towers, which has many blind and visually impaired residents. So we really do need audible traffic signals for that Corridor.

Mickey King, Assistant to the Executive Director and Bob McKee, Director of Programs and Project for the Pittsburgh Blind Association and I have also asked an intern in my office Brian Robins to come up here today. Brian is visually impaired and I have seen first hand what people who are visually impaired can contribute to the City of Pittsburgh. Because Brian Robins has

made contributions to the City through his work in my own office. So Brian, I thank you for your work.

But the real reason that we are here today is to honor Mr. Jim Roddey, who is the awardee is referred to as The Person of Vision of 1993. As I have mentioned Mr. Roddey has many contributions to the City of Pittsburgh that it would probably take another ten minutes or so to read through. The list of organizations that he has either chaired or been president or member of the board. So without doing that I just want to thank Jim Roddey for all his contributions to the City of Pittsburgh and for being the 1993 Person of Vision for the Pittsburgh Blind Association.

Congratulations.

Mr. Roddey:

Thank you very much Dan. It's not often a Republican gets to come in this room. I would like to especially thank Councilman Cohen and Council also. Volunteer's get recognition for things like working with the Blind Association, but I think too often we forget the members of this body are volunteer's also of any many organizations and chosen service to the community as a career. So I thank you for what you do as well as thanking you for this recognition. I am particularly proud that the recognition includes the Blind Association. It was when I first came to Pittsburgh fifteen years ago, it was the very first organization that I became associated with and I have been proud of the association because of the quality of the people that are there; and the quality of the work that they perform for our community.

So, Dan thank you, Mr. President thank you, and Council thank you, and particularly thank you Blind Association for giving me the opportunity to work with you.

The Chair:

If I am not mistaken there is a luncheon tomorrow? Correct Councilman Cohen?

Mr. Cohen:

Yes, that is correct, the luncheon will be held tomorrow, at the Vista.

Mr. Darkins:

Number one, I would like to commend Councilman Cohen for making this possible today. Number two Republicans are always welcome to City Council you have always been liberal. As a great humanitarian here in the City of Pittsburgh, I very happy that these honors have been bestowed upon you. Especially for a cause that is facing us within the City of Pittsburgh. I would like to say to you to continue to do the work that you are doing. There is a legacy in the writing of a song and it says "may the work I do for me speak for me" so continue on.

The Chair:

Thank you, thank you all.

Thank you, Councilman Cohen.

Mr. Cohen:

Thank you, Mr. President I have a proclamation this morning as well for the Women's Center and Shelter and we have three people here today to receive this proclamation.

Members of Council the following proclamation is to the Women's Center and Shelter.

Mr. Cohen presents

No. 3481 WHEREAS, every three days a

woman or child is killed in Pennsylvania as a result of domestic violence, and every fifteen seconds a woman is physically abused by a partner in an intimate relationship; and

WHEREAS, The Women's Center and Shelter of Greater Pittsburgh exists to aid victims of domestic violence by providing food, clothing, shelter and counseling; and

WHEREAS, an event called the Winter Clothes Out will be held on Thursday, December 2, 1993 at the Westin William Penn Hotel; and

WHEREAS, the purpose of the Winter Clothes Out is to collect donations of professional clothing that will be given to women who are attempting to enter or reenter the workplace, and raise funds to support the Shelter's legal advocacy program; and

NOW THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh thanks and commends the Women's Center and Shelter of Greater Pittsburgh for its excellent and much needed service to the Pittsburgh community.

Mr. Cohen moved to adopt the resolution.

Mr. Ferlo seconded the motion.

Which motion prevailed.

Mr. Cohen:

Thank you very much members of Council. All of you, I think are familiar with the Women's Center and Shelter.

City Council has provided grants to the Women's Center and Shelter for many years and it has become a very important institution to the City of Pittsburgh.

The incidents of domestic violence and abuse of women and children has continued to rise, and the Women's Center and Shelter has done everything it can to meet that rising incidents of assault.

Every year unfortunately the Women's Center and Shelter has turned people away because it just doesn't have enough beds or enough space to be able to provide assistance. But at the same time it provides assistance to literally thousands of people.

Today, we have Sue Romba, Director of Development for the Women's Center and Shelter, who is very, very involved of course and works to raise money for the center. They have come up with a terrific plan for Thursday, this is the third year they have done this, and it is unlike any other fundraiser I have ever seen. Because although they accept financial donations, very gladly accept financial donations, the primary purpose for this is for people to bring in their clothes that they don't use anymore. Maybe you have put it away to give to an organization, if so think about the Women's Center and Shelter. Because they use these clothes for the women and children who come there after being abused and need that kind of assistance. So it turns out that its a fundraiser were they have more racks of clothes, than they do have baskets of money. As I said they will accept both, but it is a terrific idea.

Along with the Women's Center and Shelter the law firm of Kirkpatrick and Lockhart is sponsoring this event. The two people that we have here from the firm are friends of mine Rachel Lori and Paula Smichk. Also a man name John Sylvester is very involved in this. I want you tell John that I mentioned his name. Kirkpatrick and Lockhart is the law firm were I use to work and I am very proud that this firm is contributing in this way to the Women's Center and Shelter.

So without further ado, I would just like to congratulate you and hope that your event on Thursday is a very successful one. I look forward to seeing you there. And I want to present this award to Sue Romba.

Congratulations.

Sue Romba:

Thank you Dan and thank you for serving on the committee. And I our thanks to Kirkpatrick and Lockhart, and I am not going to tell you my political affiliation.

I just want to mention that although the Women's Center and Shelter is designed too help women who are victims of domestic violence. Domestic violence is not just women's problem it is all of our problems and we all need to be looking at the problem seriously.

On behalf of the Board of Directors of the Women's Center and Marty Friday, Executive Director. Thank you.

Mr. Cohen:

Thank you very much.

The Chair:

Thank you all, thank you Councilman Cohen.

I believe we have one read into the record.

Mr. Cohen presents

No. 3482 WHEREAS, approximately 520,000 men, women and children in Western Pennsylvania are affected by the pain of the nation's number one crippling disease - arthritis; and,

WHEREAS, for over 45 years, The Western Pennsylvania Chapter of the Arthritis Foundation has served these individuals by leading the fight against arthritis through supporting research, service programs, advocacy and government affairs issues; and,

WHEREAS, on Wednesday, December 1, 1993 the Western Pennsylvania Chapter of the Arthritis Foundation will honor William Block, Sr. at its 11th Annual Testimonial Dinner; and,

WHEREAS, Mr. Block has held a long and distinguished career in journalism, which began in 1937 at the Toledo Blade and continues today wiht his position of Chairman of the Pittsburgh Post-Gazette; and,

WHEREAS, since moving to Pittsburgh in 1946, Mr. Block has generously supported and served many charitable and community organizations including the Pittsburgh symphony, The Better Business Bureau, Community Chest of Allgheny County, the Pittsburgh Council for International Visitors, and the World Affairs Council of Pittsburgh, to name but a few; and,

WHEREAS, of his many accomplishments, Mr. Block is most proud of his family including Maxine, his wife of 49 years, his four children - William Block, Jr., Mrs. Karen B. Johnese, Mrs. Barbara B. Burney and Donald G. Block, as well as eight grandchildred.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends and congratulates the Western Pennsylvania Chapter of the Arthritis Foundation for its many years of dedicated service to the community; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh commends and

congratulates William Block for his distinguished professional career and service to the Pittsburgh community.

Mr. Cohen moved to adopt the resolution.

Mr. Darkins seconded the motion.

Which motion prevailed.

Mr. O'Connor:

Would the members from Amnesty International please come up. Led by my comparable assistant Doug Shields.

We have Geraldine Manberg, Barbar Huston and Bill Joyce with us today.

Mr. O'Connor presents

No. 3483 WHEREAS, Amnesty International is an independent, worldwide movement of people working impartially for the release of all prisoners of conscience, fair and prompt trials for political prisoners and an end to torture and execution in our times; and,

WHEREAS, Amnesty International is supported by more than one million members worldwide, who work in 150 countries, primarily letter-writing on behalf of prisoners; and,

WHEREAS, three local Amnesty International groups, Pittsburgh Group 39, South Hills Group 345, and Sewickly Group 524, have worked to establish campus groups, promote awareness of Amnesty's work, sponsor area conferences, and participate in many letter writing campaigns over the past fifteen years; and,

WHEREAS, local Amnesty International groups will be holding two major events in December in recognition of Human Rights Day

on December 10: an International Festival on Sunday, December 5 at Rosebud, and Amnesty's eighth annual Write-A-Thon on Thursday, December 9 at Calvary Episcopal Church in Shadyside.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby acknowledge the important work of Amnesty International in advocating for the rights and freedoms of people around the world, and does commend the three local chapters of Amnesty International for their contributions to this mission.

BE IT FURTHER RESOLVED that the Council does declare December 5 through December 11 to be Amnesty International/Human Rights Week in the City of Pittsburgh, and encourages all citizens to participate in the activities planned for this week.

Mr. O'Connor moved to adopt the resolution.

Mr. Cohen seconded the motion.

Which motion prevailed

Mr. O'Connor:

Doug do you want to come up first and introduce everybody? Doug and his wife are very active in Amnesty and everybody around here knows you.

Mr. Shields:

Thank you very much, it's a privilege to speak to this body, from this podium.

Amnesty as we know is engaged in a very important job of saving lives. Their primary weapon is a postage stamp and a letter. They speak with those that have no voice and they ask that we all take responsibility for the preservation

of human dignity and human rights throughout the world.

What I would like to do now is introduce to you a good friend of my family Geraldine Mamberg, who is representing Pittsburgh group #39. She would like to tell you a little bit about some of the activities that are planned for next week.

Ms. Mamberg:

As a representative of the three local community groups we thank you for this recognition of Amnesty International and its work on behalf of victims of human rights abuses around the world. Our local groups number over 200 in membership and there are several highschool and college campus groups as well as over 2000 members in the national organization. In addition to writing letters we also engage in public events as a joint group. Two of which are coming up as were mentioned the first on Sunday, December 5, 1993, it is going to be a very special event to educate people about Amnesty and its work and also for people to enjoy themselves, from 5:00 p.m - 9:00 p.m. at Rosebud and includes a number of entertainers.

Ms. Huston:

I am Barbara Huston from the South Hills group, we are having an international human rights festival on Sunday, December 5, 1993, and not only is this a human rights festival its an international buffet. There is music, symphony jazz quartet, a steel band, a New H pianist H. K. Hillner, so there is something for everybody, there is going to be children's activities. If your not just interested in human rights their is something for everyone, so if you just want to come and eat, hear music, come learn about Amnesty this is the time to do it.

We have one more event on December 9,

1993.

Mr. Joyce:

As, Barbara was saying on December 9, 1993 is our eighth annual write-a-thon at Calvary Episcopal Church in Shadyside. It will be held from 6:30 p.m. - 9:30 p.m. We hope to right 1,000 letters on behalf of ten prisoners of conscious and enjoy the spirit of the holiday season.

I would also like to personally invite not only the members of Council, but all the citizens of Pittsburgh to these events.

And I just want to take a minute an remind Council, that your support of Amnesty dates back to December of 1987. When a resolution supporting our write-a-thon was declared. We feel that resolution and Council's support had a great impact on our write-a-thon, and has help to make it a very successful annual event.

Thank you.

Michelle Madoff:

I don't think the message got across clearly enough, not only do you do the job but you are effective. The job you have done really saves lives and got people released. I think that is the message that really needs to get out. It just isn't a get together lets have fun and write letters. It's done because it is effective.

Thank you for your work.

The Chair:

Thank you all, thank you Councilman O'Connor.

Mr. O'Connor:

Roy and Odelle please come up.

Being on Council people always know what we do, but than it is suprising how much we learn about all the wonderful things going on in our City and I read this proclamation about home health care.

Mr. O'Connor presented

No. 3484 WHEREAS, home health care is the fatest growing segment of medical care in the U.S., is provided to more than two million Americans each year, and allows for treatment of elderly, disabled and chronically ill people comfortably, cost-effectively, and with high-quality, individualized health care and support services; and,

WHEREAS, Congress and President Bill Clinton have proclaimed National Home Care Week as an opportunity to pay tribute to the thousands of nurses, therapists, home care aides, volunteers and physicians who dedicate their lives to providing the highest quality care at home; and,

WHEREAS, Interim HealthCare of Pittsburgh has been providing high-quality professional home health care since 1972, serving nearly 900 patients last year alone, and will be celebrating National Home Care Week by offering an array of activities and events, including an open house at the University Club, a recipe contest and a radio program to increase awareness; and,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby proclain November 26 through December 4 as "Home Care week" in the City of Pittsburgh, and urges the citizens of Pittsburgh to recognize the efforts of home care

providers, and the families and friends of the elderly and disabled, who provide such important services in the home.

Mr. O'Connor moved to adopt the resolution.

Mr. Onorato seconded the motion.

Which motion prevailed

Mr. O'Connor:

Signed by Jack Wagner, attested by Mike Perry and Sponsored by myself Bob O'Connor. What I was trying to point out is that I spoke at their luncheon, they had a conference. One of the major problems is that, they go into all of our neighborhoods at all hours of the evening and early in the morning and all of sudden this safety issue is coming up every were. We hear about the crime and violence in our Country but all of a sudden everybodies aware, and by not being able to go in or by having dangerous areas not only are the robbery's happening, but it is effecting the health care and these people aren't afraid, they continue to go ever were and my hats off to you.

Ms. Odellia:

I'd like to thank Council and Bob O'Connor for this proclamation.

Just a few words, some of you may not be aware that this year's theme is "Home Care The Peoples Choice". It reflects the unaimous voice of the american people to choose home care over the problems of long term health care problems by an overwhelming margin. The American public prefers to be cared for in their home.

We believe that home care is an excellent and cost effective alternative to institutional care. Providing patients a way to recover in a familiar environment surrounded by their loved ones and treasured possessions. Modern technology has

developed to the point where virtually anything that is available in the hospital can be provided in the home. Consider the startling cost of institutional care and the growing number of Americans in need of health care, home care is clearly an idea whose time has come.

Many of you may not know that there is over a million visits being provided in the home in the Pittsburgh area alone. Because we are a national center for high technology we are one of the leading if not the largest providers of pediatric home care in the country. As well as for transplants and I.V. therapy.

So, I just want to increase your awareness of home care and thank you for this opportunity.

Mr. O'Connor:

Will Ray the Vice President, come on up.

Mr. Ray:

Thanks Bob and thank Council for the proclamation. I think home care is going to be a significant solution to the Health Care Crisis our country is facing, including South Western Pennsylvania.

The Chair:

The next resolution is to be presented by Councilman Dan Onorato.

Mr. Onorato:

I would like to call up William and Kim Stuart, Assistant Chief Rocco, Chief Kennedy and Bill McCauld.

Colleagues, Lady and Gentleman, it gives me great privilege to read this proclamation today.

Mr. Onorato presents

No. 3485 WHEREAS, on Friday, August 13, 1993 off-duty paramedic William Stuart and his wife, Kim Stuart, R.N. and a former paramedic were attending a Pirate game; and

WHEREAS, during the game, a spectator in Section 538 fell, struck his head on the steps and became unconscious. William and Kim, in spite of the traumatic facial injuries suffered by the gentleman, administered mouth-to-mouth and cardiac compressions until the paramedics assigned to the event arrived; and

WHEREAS, on October 6, 1993 at approximately noon, Assistant Chief Therese Rocco and ten other individuals were having a group discussion at a meeting located at 216 Boulevard of the Allies; and

WHEREAS, while this discussion was in progress, the women seated next to Assistant Chief Rocco went in to cardiac arrest; and

WHEREAS, Asst. Chief Rocco was unable to get a pulse and so immediately started CPR. The woman began to respond. Shortly thereafter, two individuals took turns assisting in performing the compressions. Asst. Chief Rocco worked on the woman for 15 minutes; and

WHEREAS, Asst. Chief Rocco received a call from a doctor at Mercy Hospital where the patient had been taken and was told that the woman was in critical condition but that the signs were encouraging. He added that the actions taken by Asst. Chief Rocco in the initial stages of the attack made the difference. The individual came out of a coma after three days and it was confirmed that she had suffered no brain damage;

NOW, THEREFORE BE IT RESOLVED that the Council of the City of Pittsburgh recognizes the courageous actions

taken by William and Kim Stuart and Assistant Chief Therese Rocco in administering CPR and in taking the initiative to help out other human beings in need.

Mr. Onorato moved to adopt the resolution.

Michelle Madoff seconded the motion.

Which motion prevailed.

Mr. Onorato:

I just want to personally thank you and congratulate you I think this really points out the need to keep on training individuals in the CPR. It is one thing that we can do to really help in responding to the problems of society. Because one thing is that events, down the street or just in your livingroom their is always some around and if we all knew how to do CPR we could probably save the time it takes an ambulance to get there and possibly save more lives.

I want to thank you and have Assistant Chief Rocco come forward and say a few words.

Chief Rocco:

Members of Council, Danny thank you very much for this lovely tribute. First, and most importantly I want to thank God for giving me the courage that day. Considering that I had training during my law enforcement years it was something that I had too think hard about, particularly because I had never done it before. It is a wonderful feeling and I think the greatest feeling I had was on Thanksgiving Day, when I received a call from this woman. Calling me to wish me a happy Thanksgiving. I would also want to mention that there was woman present there at that time who did assist me. Her name is Yvonne Campus.

Thank you again, I feel really great.

Perhaps the greatest feeling of my life time is knowing I was responsible for helping a woman to stay on earth.

Mr. Onorato:

Chief Kennedy would you like to say a few words about the CPR programs that you implement and the sessions that are available to residents of the City of Pittsburgh.

Chief Kennedy:

Briefly, I would like to congratulate Teresa, Bill and Kim. In this day and age, it is very commendable for people to do CPR and mouth to mouth on residents that need it. I would encourage everyone to learn this life- saving skill. American Red Cross, American Red Association and the Bureau of Emergency Medical Services all provide this training and if you are a city residents the Bureau will do it for free.

If anyone has a block watch, community group or council people would like to organization a group, please call us at my office at 622-6931 and we will be happy to come out and provide this training. So you, too, can have the opportunity to save a life, as these individuals did.

Mr. Cohen:

I want to thank Councilman Onorato for bringing everybody here today and telling us about these two incidents. I think probably alot of us go through life and we hear about incidents like this, wondering how we would react. Would we freeze, would we panic and its clear that we have hero's in front of us who did not freeze or panic. But actually took strong steps to save lives. Assistant Chief Rocco you have done so much for the City in your position of Assistant Chief, little did you know that you would be

doing so much for the City in an emergency situation like that. So I just want to thank you and congratulate you.

Mr. Onorato:

At this time, I would like to call forward Mr. Andrew McElwaine, from the Howard Heinz Endowment Environmental Outreach Program, Dr. Paul Gentile, Dean of Continuing Education of Community College of Allegheny County, Diane Gnipp, Director of Continuing Education at Community College, Lynn Merlion, Environmental Services Coordinator, Karen Kearney, Site Coordinator and participants in the program, Monika Wheeler, Leslie Royster, David Dittler, Dan Wilson, Leonard Jarabeck, Jamal McClain and Keren Kurti.

My colleagues are probably sick of hearing me talk about Riverview Park and what we are doing there. This is another example of a program that we implemented and did not cost a penny of city tax dollars. These are the types of programs that we have to consistently develop and look into. Because we all know how tight the budget is. There are a lot of resources out there that do not entail using City dollars and you can get a lot finished.

Community College is a big institution on the North Side and they stepped forward and I thank them. The Howard Heinz Endowment Environmental Program played a big part in recognizing that our regional parks are very important and Riverview Park that has been neglected. But the City has been improving it along with these groups. It's just another group of about five that I like to recognize, that has done a lot for the park and the North Side.

Mr. Onorato presents

No. 3486 WHEREAS, for weeks there has been a great deal of activity in Riverview and

Sheraden Parks. As a result of a program that Partners in Parks is currently involved with; and

WHEREAS, the Howard Heinz Endowment Environmental Outreach Program is a joint venture of the Howard Heinz Endowment and Community College of Allegheny County. This program has been developed to address a variety of designated environmental concerns within Allegheny County and the City of Pittsburgh; and

WHEREAS, the fall participants of the program including David A. Dittler, Jr., Leonard W. Jarabeck, Keren Kurti, Preston Jamal McClain, Patrick Miller, Leslie R. Royster, Monika Wheeler, and Dan Wilson, were involved in the removal of grapevine infestation in Sheraden Park for a period of four weeks. The participants then moved onto Riverview Park to perform a variety of tasks including the construction, repairing, and painting of picnic tables as well as trail maintenance; and

WHEREAS, the program has been designed to give the participants an opportunity to address a variety of designated environmental concerns while receiving instructional training and supervised work experiences. The participants have been trained and certified in CPR and first aid as part of their experience; and

WHEREAS, the following individuals deserve special recognition: Margaret Petruska - Program Officer for the Heinz Endowments, Andrew McElwaine - Program Officer for the Heinz Endowments, Dr. Fred Bartok - Vice President/Executive Dean of CCAC, Dr. Paul Gentile - Dean of Continuing Education of CCAC, Diane Gnipp - Director of Continuing Education of CCAC, Lynn Merlino - Project Coordinator Howard Heinz Endowment Environmental Outreach Program, Karen Kearney - Site Supervisor Howard Heinz Endowment Environmental Outreach Program,

and Myrna Antonio-Hall & Gary Baranowski - Partners in Parks.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Pittsburgh acknowledges and commends the Howard Heinz Endowment, Community College of Allegheny County, and Partners in Parks for their commitment and dedication in providing the necessary resources and work to improve environmental conditions in Pittsburgh and Allegheny County throughout the Howard Heinz Endowment Environmental Outreach Program.

Mr. Onorato moved to adopt resolution.

Mr. Riccaridi seconded the motion

Which motion prevailed

Mr. Onorato:

Once again I would like to thank everyone that participated in this program from the funding to the participants and Myrna once again for the continued help in Riverview Park and finding new ways to get things done without coming to City Council and asking for dollars.

So at this point, will someone from the Endowment please come forward and speak a few words.

Mr. McElwaine:

I am Andrew McElwaine, Program Officer with the Heinz Endowments. My colleagues Marg Petruska and Evelyn Sworchmen were responsible for working with Community College and City Park Authority to create this program. The Howard Heinz Endowment for 52 years has in Pittsburgh sought to improve the quality of life, provide greater opportunities and recreational activities for the

youths of the City. Howard Heinz, himself was the creator of Sarah Heinz House on the North Side. This is an activity that I think he would be proud of and which we are proud to assist with.

Thank you.

Participant:

It is nice to be recognize for doing work in the parks. We really owe it all to Lynn and Karen. I think they could say more than I could ever. That's my easy way out.

Please Lynn or Karen, please speak for us.

Speaker:

We are all passing the buck to her. We would like to thank you so much for the award. I would just like to say that good things can happen, when government, education, corporate sponsors come together. We have really enjoyed in time in the City of Pittsburgh, and hope that we can come back again and do something else.

Thank you.

Partner's in Park:

I would also like to thank the entire group and our participants. We have had a very successful program and we would like to continue. doing some tremendous things in the park system. It would not be possible without, as Lynn mentioned the foundation, the corporation and all of the community groups, who were very active in our designated partners and parks programs. I would also like to thank City Council for their support and continued help in all of our endeavors, and Wish all of you a very good holiday season and certainly a very prosperous new year.

The Chair:

Thank you, thank you all, thank you Councilman Onorato.

We have one final resolution to be presented by Councilman Ricciardi.

Mr. Ricciardi:

I would like to take this opportunity to invite Mr. Bob Foults, President, Goodwill Industries, South Side and his staff members Harry Brown, Harty Pack and Sharon Trimball. Colleagues this resolution is a bit late due to scheduling conflicts but its altogether just as important today as it was on September 20, 1993.

Mr. Ricciardi presents

No. 3487 WHEREAS, on Monday morning, September 20, 1993, a fire broke out in the structure located at 2612 Sarah Street, which is located directly across the street from Goodwill Industries' headquarters on the South Side; and,

WHEREAS, 20 members of the Goodwill Industries staff, led by Transportation Supervisor Harry Brown, assisted in the rescue of a mother and her two young children from the burning building; and,

WHEREAS, the Goodwill Industries staff then evacuated two elderly residents from the buildings adjacent to the burning structure; and,

WHEREAS, the Goodwill Industries also provided emergency clothing, temporary shelter, and made contact with family members; in fact, virtually all of the immediate needs of the rescued individuals were taken care of; and,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of

Pittsburgh hereby recognizes and commends the rescue and follow-up efforts of the staff of Goodwill Industries of Pittsburgh.

Mr. Ricciardi moved to adopt the resolution.

Mr. Cohen seconded the motion.

Which motion prevailed.

Mr. Ricciardi:

Thank you colleagues, its an honor for me too honor individuals, of such heroic acts. Matter of fact Goodwill Industries daily, is responsible for heroic acts across the City. With the good services that they provide to City of Pittsburgh and the South Side. This is especially heroic because it dealt with personal safety of staff members of Goodwill Industries and I salute you and my colleagues salute you.

At this time I would asked the President, Mr. Faulks to say a few words and to accept this plaque on behalf of Pittsburgh City Council and then hopefully Harry will come up and say a few words.

Mr. Faulks:

Thank you President of Council and the Honorable Gene Ricciardi, our Councilman from the South Side and all members of Council.

We at Goodwill are greatful for this recognition, I am just greatful to be here with this group, who actually performed a very heroic rescue on the morning of September 20, 1993. These three fine individuals were aided by others who could not be with us today, but their acts were carried out promptly. Discreetly and effectively. Rescuing a mother and her two small children. We are privileged to be here. I am privilege to introduce to you Sharon Trimball, Pauley Park and Harry Brown, Supervisor of

Transportation. Who really orchestrated the rescue that morning. I would like to call upon him for a word of thanks.

Mr. Brown:

I thank you President Robert Faulks and Councilman Gene Ricciardi for giving us this plague. All the employees at Goodwill and the clients thank you.

The Chair:

That concludes all our proclamations, we now move to presentations of papers

Mr. Cohen presented

No. 3465 Resolution further amending Res. No. 1347, eff. Jan. 1, 1993, as amended, entitled "Resolution fixing the number of officers and employees of the City of Pittsburgh, and the rate of compensation thereof, and setting minimum levels for designated positions," by amending the Mayor's Office to add one title. Add: Mayor's Office, Code Account 1016, Title: Executive Secretary, As Needed. This is being done to permit a smooth and orderly transition for the next Administration.

Which was read and referred to the Committee on Finance.

Mr. Cohen moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Ferlo seconded the motion.

Which motion prevailed.

Also,

No. 3466 Resolution designating Banks and Lending Institutions to act as Depositories for the 1994 in accordance with the Pittsburgh Code, Title Two-Fiscal, Article III, Depositories."

Also,

No. 3467 Resolution providing for an Agreement or Agreements with a consultant to assist the City of Pittsburgh for a monthly cost of \$7,200.00 during 1993 and for \$28,000.00 during 1994, providing funding is approved by City Council, chargeable to and payable from Code Account 1017, Misc. Services, Mayor's Office.

Also,

No. 3468 Resolution amending the Pittsburgh Code, Title Two, Fiscal, by changing the Rate of Interest on certain delinquent Earned Income and Home Rule Taxes.

Which were severally read and referred to the Committee on Finance.

Mr. Darkins presented

No. 3469 Resolution granting unto Anthony J. Dorsch, 1500 Fall Street, Pittsburgh, PA 15212, his successors and assigns, the privilege and license to construct, maintain and use at his own cost and expense, one 6" sewer lateral on a portion of Fall Street in the 26th Ward, 1st Council District of the City of Pittsburgh.

Also,

No. 3470 Resolution vacating a portion of Unnamed Way from Marcella Street to a point 115.02 feet south of Ridgway Street in the 5th Ward, 6th Council District of the City of Pittsburgh. The Department of Finance recommended that this vacation will allow the

URA to consolidate land on both sides into one development parcel. Since this vacation is located in the Webster-Elba Redevelopment area and because of the cooperation agreement between the URA and the City, the Finance Department places no price or charge for this vacation.

Which were read and referred to the Committee on Public Works.

Mr. Ferlo presented

No. 3471 Resolution authorizing the URA of Pittsburgh to acquire that property in the 10th Ward of the City of Pittsburgh owned by Hightower Plaza, and designated as Block and Lot 50-D-300 and 81-S-188 in the Deed Registry Office of Allegheny County, for \$286,000.00, under the Residential Land Reserve Fund. This property is being acquired in anticipation of resale to Garfield Jubilee Association, Inc. for use as a multi-purpose community service center and strip shopping mall. The property contains approximately 5.58 acres. (Council District No. 7)

---(SPONSORED BY MR. FERLO)

Which was read and referred to the Committee on Planning, Housing and Development.

Mr. Ferlo moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Ricciardi seconded the motion.

Which motion prevailed.

Also,

No. 3472 Resolution amending Res. No. 565, eff. May 7, 1993, entitled "Providing for the

execution of a Cooperation Agreement or Agreements with the URA of Pgh., for the performance of certain work in connection with the 1993-1994 CDBG Program, and providing for the payment of the costs thereof," by correcting an index code number and eliminating the Central Location Agency line item. (Council Districts: All)

Which was read and referred to the Committee on Planning, Housing and Development.

Also,

No. 3473 An Ordinance Repealing Chapter 184 of the Pittsburgh Code under Title One-Administrative, Article IX, Personnel, Sections 184.01 Authorization to fill without competition, 184.02 Qualifications, 184.03 Recruitment, 184.04 Selection and 184.05 Probation.

---(SPONSORED BY MR. FERLO & MR. ONORATO)

Which was read and referred to the Committee on Public Safety.

Mr. Onorato presented

No. 3474 Resolution providing for the issuance of a warrant in favor of Helen Forkin, Friends of Wood Run Library, 1201 Woods Run Avenue, Pittsburgh, PA 15212 in the amount of \$350.00 in payment for professional services rendered to Councilman Dan Onorato for the month of November, 1993, chargeable to and payable from Code Account 1001-1, Misc. Services, Supplies and Equipment, City Council, District No. 1. --- (SPONSORED BY MR. ONORATO)

Which was read and referred to the Committee on Finance.

Also,

No. 3475 Resolution authorizing and directing the Departments of Public Safety, General Services, City Planning and Engineering & Construction to research, study and develop a Boot Camp Facility Plan within the City of Pittsburgh for youth offenders residing within the City limits.

---(SPONSORED BY MR. ONORATO)

Which was read and referred to the Committee on Public Safety.

UNFINISHED BUSINESS

Mr. Ferlo:

Mr. President, during hearings on police hiring we asked for a number of statistics on hiring and information on the alarm fees I hope we can get the information quickly. We have votes coming up in the next two weeks and we need that information, relative amendments to the budget.

The Chair:

Mr. Perry, can we make sure we have that information by Friday of this week.

REPORTS OF COMMITTEES

Mr. Cohen presented

Bill No. 3476

Report of the Committee on Finance for November 23, 1993 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with a **NEGATIVE** recommendation,

Bill No. 3414

A Resolution entitled, "Resolution providing for the issuance of a warrant in the sum of \$225,000.00 to Henry F. Jodzis, c/o Edward B. Friedman, Esquire, his attorney, Friedman and Friedman, 900 Fifth Avenue, Pittsburgh, PA 15219, in full and final settlement of an alleged motor vehicle accident in the City of Pittsburgh on or about July 1, 1979."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Darkins
Mr. Ferlo

Mr. Smith
Mr. Wagner
(Pres't)

AYES 4

NOES 5

VOTING NO:

Mr. Cohen
Michelle Madoff
Mr. O'Connor

Mr. Onorato
Mr. Ricciardi

And there not being two-thirds of the votes of Council in the affirmative, the bill was defeated.

Also, with a **NEGATIVE** recommendation,

Bill No. 3457

A Resolution entitled, "Resolution providing City Council to retain its own attorney to review the entire record of Case No. GD81-13844 Henry F. Jodzis v. City of Pittsburgh."

---(SPONSORED BY MR. RICCIARDI)

Which was read.

Mr. Ferlo:

I hope council would reconsider on bill 3457. That is just to spend just a little bit of money and be penny wise and not pound foolish and that is to get an additional legal interpretation and advice on the issue on the issue of the initial suit. Which is expressed in the Bill 3414, and that is on the settlement regarding all the notoriety around Mr. Jodzis case. I would hope council would reconsider on the bill and spend a little bit of money and have further discussion and debate with legal counsel on the parameters of the law suit. What the chances are in making palatable defense if this were to go on retrial and rehearing before a court of law and a new jury. I am sympathetic and I am certainly the passion in this room and among the public on the issue is clear. I certainly share that, but I just don't want to throw caution to the wind. We are talking about a significant amount of money. I would at least like to have the comfort level of feeling that legally, again we are not dealing with passion in the courtroom. We will dealing primary with the law and a lot of the legal debate that a jury will hear and listen to.

It's been recounted that a jury will not be privileged to hear or know a lot of the details that would make one prejudicial on this matter. On terms of the gentleman allegedly having a weapon and/or illegal substances. So there is a lot of passion on this issue and clearly I share this. I

just want to sort out what's reasonable and I just think what's reasonable is Mr. Ricciardi's initial bill. What was to spend a little bit of money and get a broader legal interpretation before we have a final vote on the actual settlement issue. That wasn't successful and again I don't know if anyone is going to change their mind today. If not then I would again have to vote no on the actual settlement, because I think we should spend a little bit of money and get a broader legal interpretation.

The other thing is that I do think the City law department botched the whole case. Despite all the nicety at the meeting, I think the Law Department should be criticized. I think they were ill prepared and did not handle this case. There were things that got in to deposition and I don't think our side was coached and prepared properly for this law suit. Unfortunately once there is a deposition you can't undo some of that testimony. I think we need some additional legal expertise and advice regarding this matter and I don't have faith in the existing law department regarding this issue.

Mr. Ricciardi:

Thank you Mr. President

I sponsored the legislation Mr. Ferlo has made reference too. Bill No. 3457, requesting Pittsburgh City Council, to go out and "get a second opinion" on the chances or the risk involved in denying the settlement on going to court. The reason I did that was obvious.

If a majority of Councilmembers felt uncomfortable with voting down the settlement without additional information this would have provided us with a vehicle to gain additional information. However the majority of my colleagues, felt that they did not need a second opinion. I concur with them and I think we should vote down the settlement.

I'm not going to speak in depth on this bill 3414, that I will be voting no on to settle for \$225,000.00. I have done that in the pass. I have spoking to our law department and they are ready to go to trail and the litigator is going to be Mr. John Shirell of our law department, not the same individual who tried this in the pass. I have a great deal of respect for Mr. Shirell and on prinipcal I believe that we were very strong on why we should denie this.

I was always very hesitant though on the risk involve, however since we voted no on the settlement. I am sure all my colleagues received a number of phone calls, letter and possibly have had discussion in the streets of the City of Pittsburgh. They would see that the tax payer and the residents of the City of Pittsburgh are willing to take the risk and gamble to stand on principal

So I will be voting no on both bills. Thank you.

Michelle Madoff:

You know, it is interesting how we take positions on bills and take the same position whether we are voting for it or against it. The fact remains that while my colleague Mr. Ferlo although, I believe he really has the welfare of the City at heart. He doesn't want us to spend money unnecessary that we may have to spend. Sometimes you have to think about the big picture. The big picture is that if we don't stop this flow of people who think that they are entitled to get tax payers dollars in such vast amounts just because its going to be easier to settle. Now that they have lived exemplary lives when they were obviously found, to be wanting criminals in the beginning is not the answer, we will indeed pay significant amounts of money and we will pay and pay and pay. Unless we say no more. I think in principal we have to support our police and must vote to stop this output of tax payer's dollars.

We didn't need another opinion to know that this was wrong.

Mr. O'Connor:

I support no paying. I voted that way and I'll keep it that way today. I believe this is news to me, of who would hold the trial that Mr. Ricciardi brought up. I think Mr. Ferlo brings up a good point. Because all of the attorney's I have talked too, say we have a slim chance of winning this. I wouldn't mind if we get outside advice. Or we don't need the money to confer further with out law department, that we feel confident that we have atleast a fifty, fifty chance. Again, I don't want to pay the individual, but I don't want to be foolish and just vote with our hearts. So if we want to hold it for a week or atleast at the advice of our attorney's to consult with us. I think it may be a good idea.

Mr. Onorato:

Mr. President, I would just like to reiterate my comments from last week and to reaffirm that I don't think that we should pay this. Once again this comes done to being responsible for your own actions.

I realize that it is a real tradegy that an indidividual lost a limb here. But let us not forget, that know body forced this individual to speed down the street on the North Side. He was asked to stopped, he didn't do it. It went from a simple traffice violations, of going through a stop sign, to refusing to stop at police orders and taking off. At that point he jeopardize anyone walking on the sidewalk, anyone driving on the streets or anyone that might have been outside of their house in the morning.

I think that we can't lose sight of that, don't let a loss of a limb, eliminate the fact that this individual cost the loss of a limb. This individual was responsible for his own actions.

Unfortunately it's a bodily injury, however, he should have realized that. This is the consequences and we are not going to pay this settlement. We are going to send a message strong loud and clear to the people of the City of Pittsburgh. That would want to engage in this type of activity, that if you think that you are going to get money easily from this body, your wrong. Your are going to have to go through the court system and if the court system rules againts it, so be it. We will hold them up to scrutiny and not this body. We will make them earn every penny they get. Because as far as I am concerned this case is worth zero. We did not do anything wrong and I want the streets protected.

As I stated on Wednesday, the number one complaint in my office is the speeding that takes place on the North Side Streets. I set up more vice cars, than anything else any my district. This will be hypocritical on my part if I said we are going to pay this, when the individual was speeding and the police went out and did exactly what I asked them to do every week. That is to stop the speeders.

Mr. Darkins:

Mr. President, as I did the other day and will be doing today. I want to bring to my colleagues attention. Not because its Councilman Duane Darkins. I want to bring to their attention that for thirteen years I served the Commonwealth of Pennsylvania in the capacity of an Administrative Law Judge in in the Workman's Compensation Referee. In my thirteen years that I have served in that capacity, I heard several cases of this nature. In my concept and listing to the Honorable Councilman Bob O'Connor, saying that he went on his own guidings in hearing from other attorney's in the legality of this type of a case. They had informed him in the way of conversation that this City would lose. I stand on the act from the department of labor and industry and the law that

govern Commonwealth of Pennsylvania, in saying that this, has nothing to do with a criminal offense. It has to deal with the actuality that a limb has been lost and the cost of this limb even excells the amount of money that the agreement has been made with the City law department and so called client. For this cost I think that City taxpayer's of the City of Pittsburgh should understand that we are far ahead in saving them their tax dollars. Should the City move forward with this in voting against this today. That we will end up at the end their tax dollars, they will have spent three times as much because the way the law reads. As the Honorable Robert O'Connor has stated from getting his information from other law counsel, men that are certified in that field. That it is a no loose case. I really wish that my colleagues would consider, I don't no this gentleman, I don't know his lawyer, but I am very much concerned, because I do know the law states the loss of the limb. You have to exit the crime, you exit rather it was illegal or what have you. It plainly states the loss or use of a limb.

Mr. Cohen:

With all do respect to my colleagues. I can't in good conscience vote for a \$225,000.00 settlement. For somebody who committed multiple violations of the law and alluded the police at high rates of speed. We have to send a message here. We have to send a message that when you break the laws like that and endanger the safety of our citizens that there is a risk that the person takes. An, I can't in good consciousness take tax payers money to pay this person for taking that risks. It makes it doubly hard because I do know the attorney who represented that client, because he is a friend of mine. But at the same time we have a responsibility and our responsibility is to take an action that is in the best interest of the City. That person, that friend of mines is not happy with my decision, but never the less in good conscience I don't think we can pay this kind of settlement.

Mr. Smith:

I would just like to remind my colleagues of what was said in this chamber. That was if they lost in preceeding with this case instead of settling that they would toss \$5.00 dollars towards the payment if we loss this case.

I think it is very important that everyone has sort of tossed this a side as a major social issue. This happened in 1979, I do not know of hundred's of cases of people who are presently ligiating with us for high speed chases. Our police officers do this when someone breaks the law. It was our mistake through deposition, through testimony given. It is something that we as Council should ensure that the employees of the City of Pittsburgh do not blow the cases in for us in the future. But I believe that this is a case to which we are going to lose greater amounts than what the settlement is for.

I would just like to remind my colleagues that they said that they and the citizens would be willing to toss in the \$5.00. So when the settlement comes back and I hope that I'm not right, this is one time that I don't want to be right. But if it occurs, I would like to see the \$5.00 from all of the people who feel we have to send a message. Send your \$5.00 to help send the message. I will be voting in favor of the settlement and against any outside information.

Mr. Ferlo:

If we could just separete out the issues procedurally. First of all I share all the emotionalism and compassion and belief that this guy is a jerk and that we shouldn't give him anything. That is not the issue. I said this last week, we have to deal with social policies as elected Councilmembers. We also have a coporation and we have to protect the assest of this corporation.

I would like to suggest that atleast procedurally, separate out the passion from the issues and not even deal today with the final vote on the actual settlement. But I ask those Councilmembers, even if you are sympatheic, for what every reasoning, either legally you think we can win it, or morally. You're just held to that and that you would never pay this guy come hell or high water. Even if you believe in either one of those beliefs.

Procedurally lets atleast have in formed consent on this Council in terms of the legal issues. I don't think we got that from the brief discussion and the public discussion that we had around the table last week. I am only asking before a final vote. Because I may vote in favor of it finally. But I want to have atleast the level of informed consent. I think it makes sense in terms of protecting the assests of this corporation. That we spend a couple thousand dollars, that Mr. Ricciardi had initially suggested and we get a futher evaluation, setting aside the emotionalismly and compassion on the issue morally. And we get a futher interperatation legally of what the dynamics are involving this case in terms of risk management and what we may ultimatly have to pay.

I am only asking procedurally asking that we separete out the vote. That we have to vote either up or down and rather or not we want to have this legal counsel. Then we have a final vote on the settlement. Even if your in favor of the settlement, for what every reason your moral passion or your belief in the law that we can win this. Atleast consider spending a little bit of money, so that we can have a further evaluation of what the legal merits are regarding our future defense.

Again, Mr. Onorato, I am sure this is going to be a jury trial. If I were the attorney representing the gentleman. I am not going to

want a judge, I am going to want a jury trial, that I can play to all the fears and prejudices involving individuals with police going through stop signs and you name it. Lets spend a little bit of money and get a futher evalaution on what the relative legal merits and what the legal history is to this case. We only heard like preliminary discussion. We got one sided, I think we need to look further on what's on record in terms of depositions. What actually legally is going to be before the court of law and jury regarding the legal merits. Otherwise we are just unnecessarily we may be spending a large some of money maybe even a million dollars and I think we should just look at it. So, I am only suggestion procedurally that we think about spending the liitle bit of money to get a legal evaluation. We have some more debate on that. Even though in the end we might may in fact, go vote for the settlement. That's the prudent thing to do.

The Chair:

If it's the will of Council we can vote on these separately or together.

Mr. Ricciardi:

These bills need to be voted separate. I disagree with my Colleague Mr. Ferlo that a jury trial will be bad. I look forward to a jury trial, because I think in 1993 we have a different climate in the City of Pittsburgh in relationship to the issue of crime and personal safety then we did in 1987.

I promised not to discuss the bill and I will not because I have done that several times in these chambers and throught the media. However, these transcripts, maybe come part of the trial and I want to clarify a statement that was made by esteem colleague Mr. Smith. Stating that it was our mistake and it was shown through depositions. with all due respect that was incorrect. We always went in their saying it was

not our error, not our mistake. That the owness was on the guy on the motorcycle. I just want to pin point that or clarify that for the record. In case these transcripts are used in any upcoming proceedings.

Thank you.

Michelle Madoff:

I have also had the same concerns that my colleague Mr. Ferlo has and I have talked to some of leading attorney's and trial attorney's in the City of Pittsburgh. You know what they have said, and they haven't charged anything for that folks. They said, know body knows. It will be how well we present our case. We really screwed up last time, which is not unusual, because I was a victim of our law department when I was subpeona. It was a disaster. I think that if we hire a competent attorney, I understand that we do have one know. We have as good as chance of winning as of lossing. The important things is that we are saying to the public we are not taking your dollars feverilsly. Not only paying for this defense, but for all the others that have come because they figure they can get away with it.

I would like to pick up on what my good friend Chris Smith has suggested. How about a check made out to the City of Pittsburgh, mailed to the City of Pittsburgh Treasure for the legal defense fund to stand for principal. Make your check out for \$5.00 for more or anything you wish to contribute. If you agree with this Council that we should defend this lawsuit to the point that we are making statement, it will be covered by the media, the public will be aware of what we as Councilmembers and new Councilmembers are subjected too. That we settled on it because its going to cost us more, because it happens all the time. For millions of dollars, lets stop this nonsense now. Anybody who would like to send in \$5.00, if the live in the suburb or anywhere, m ake your check out to the City of Pittsburgh,

Treasurer. It's a tax write off. Mail your check right away, and call it the legal defense fund. Let's get those checks in. It's not a bad idea Chris.

The Chair:

Let's stay on the bill as much as we can.

Mr. Onorato:

My esteem colleague Mr. Ferlo is very good at making arguments on any type of bill and most the times he is successful. But I would just like to inform my colleagues, that when he stated that this is going to go to a jury trial, and this attorney's going to want a jury trial so that he can show all the facts, because they are going to be sympathetic. Don't forget that this is the same attorney that wants to settle. He wants to settle for several reasons. I can't look in to his mind, but obviously he evaluated the the pros and cons and decided to settled for \$225,000.00. If he thought that it was going to be sympathetic and that this jury trial was the best way to go, than my guest is he would have said no to the settlement. Let's move forward.

I say let's move forward, let them spend money and see what the jury of twelve people say again.

Michelle Madoff:

Like the negotiated bonds issue that cost us millions of dollars, and you will pay for this law suit.

The Chair:

Excuse me, excuse me. Councilman O'Connor

Mr. O'Connor:

I again, am the last one that wants to pay

for this individual. So I want to make that clear. But after talking to attorney's, my faith is less in the system. The systems ways to much in his favor, if we don't even spend the money. I wouldn't mind time to speak to our attorney and let him evaluate the case for us before we go ahead. If we feel confident, we should keep him and we would spend the money. But I wouldn't be objective to go outside and get a top attorney if we need it.

The Chair:

Let's have a little order here.

Mr. O'Connor:

My point is, I wouldn't mind talking to the attorney that Mr. Ricciardi talked about. I haven't met our attorney, to make sure as Michelle said, in some cases as we have new attorney's and that they don't have the experience. If our attorney, whoever he or she may be, doesn't have the expertise. Maybe we should look at hiring an expert attorney that we would win this case. I think it's so publicize that no one wants to pay him a dime. I am not afraid to hire a top attorney to defend our side. But I would like to make sure that atleast we have a fifty-fifty shot going in.

The Chair:

I would like my comments brought forward.

(REMARKS ON BOTH BILLS ON FOLLOWING PAGES)

(BEGINNING - COUNCILMEMBERS' COMMENTS ON BILLS NO. 3414 AND 3457, TUESDAY, NOVEMBER 23, 1993)

Mr. Ricciardi:

I'd like to ask Mr. George Specter come to the table.

Mr. Specter, I had an opportunity to have several discussions with yourself and the Solicitor surrounding the details of this case which is a recommendation by the City Law Department/Administration recommending settling for \$225,000.00 to an individual who led our police through a high-speed chase through the Northside streets and I think that's a proper way to characterize it. However, I'm going to ask you to give us the background of the case because I think everyone in this Chamber knows my opinion and I in no way want to be prejudiced against the objective discussion this morning so I'll let you begin that discussion and then hopefully I'll have an opportunity to give my position.

Mr. Specter:

The background of the case is relatively clear and we've set it out in the recommendation letter to the Council.

As you indicated, the plaintiff did lead the police on a high-speed chase through various parts of the Northside back in July of 1979. Cutting to the quick so to speak, another police car coming from an opposite direction did block the road partially, the testimony is relatively clear that he left an avenue of escape for the plaintiff. However, at the last second there is a dispute as to whether the police car moved and if so whether there was some intentional striking of the plaintiff. The long and the short of it is there was a serious collision, the plaintiff was injured and lost the lower part of one of his legs.

The problem in this case as you and I discussed and as we set forth in our letter is two-fold and I recognize the emotions involved in this situation; maybe three-fold. The things that are most emotionally charged having to do with his possession of certain items will not get into evidence. The Commonwealth Court has ruled on that, there were two arguments before the Commonwealth Court, one before a panel of three, one before the full court of seven and after losing that issue and some others we did petition the Supreme Court of the Pennsylvania for a review and that court declined hear the case. So on Number One the items in the plaintiff's possession they will not heard and a jury will not know about them; Number Two, we do have this conflicting testimony as to whether the car moved or not at the last second. There's no indications as to how another jury might rule on that and I have to call to your attention what you already know and that is that the first jury awarded \$750,000.00

to this man and under the law negligence gets a portion between the parties. The City was found to be 82 percent negligent and that reduced the \$750,000.00 to \$615,000.00 and the Court Judge Johnson thereupon reduced it further to our \$500,000.00 cap.

Unfortunately, the third part that you have to give serious consideration to is what are called delayed damages. Delayed damages emanate from a Supreme Court Rule of Civil Procedure governing all of these types of actions in Pennsylvania and essentially it would add -- it would be added from approximately one year following the institution of this suit which was in 1981, you would paying delay from May, 1981 through the end of the trial and under the interest rates set forth which are related to the T-Bill rates plus one, the delay damages now approximate about 142 to 144 percent. So in order to get a verdict which would be approximately equal to the settlement we are recommending, the verdict would have to be about \$80,000.00. Alternatively certainly this city might win the case but that is the risk you take. That is the case.

Mr. Ricciardi:

If I can continue. Mr. Specter, the negligence percentages from first jury were broken down 82 percent against the City of Pittsburgh and 18 percent negligence on part of the actor. If the next jury would rule 51 percent negligence on part of the actor and 49 percent negligence on part of the City, is there then a judgment put in or does that erase the entire judgment?

Mr. Specter:

Yes, it does.

Mr. Ricciardi:

So the next jury we would hope that the 82 percent did not hold up and it would fall below the 50 percent. So we can still be ruled negligent up to 49 percent. If I can ask a question, why did the chase even begin?

Mr. Specter:

The plaintiff was on a motorcycle ran a stoplight.

Mr. Ricciardi:

After running the stoplight were there subsequent traffic violations and subsequent charges that were entering the minds of the police officers such as eluding arrest?

Mr. Specter:

Certainly.

Mr. Ricciardi:

During the testimony was it stated by the actor that as he approached the blockade that his speed was 25 to 35 miles per hour and did he in any way state or maybe you can bring it before my colleagues that he was not going to stop? Did he state that?

Mr. Specter:

Yes, he did.

Mr. Ricciardi:

Can you embellish that.

Mr. Specter:

There's not very much embellishment that can be made of but the simple facts are he admitted on cross-examination that when he was about 25 or 30 feet away he saw an avenue of escape, he felt it was sufficiently wide to escape and that he could have stopped but made a decision not to.

Mr. Ricciardi:

I will end with this. Obviously we are getting advice from our Law Department and all in all on a legal matter and maybe in terms of money it's probably good advice but I think there's something that also rivals that if not parallels it if not even greater and that is a policy question before us today and maybe one that's even meshed in principle and that is that we are definitely facing a crime wave in the City of Pittsburgh and our police officers are doing their very best in using good judgment I believe and the environment and the climate is totally different in 1993 than it was in 1987. In terms of even possible jurors knowing what's happening out there and knowing what we're facing.

The principle stand that I would like to take in my vote is that this is a criminal. This is a person who was breaking the laws even setting aside the items that were not admissible, the items of the stolen, the items of the type of ammunition that he had, the items of the controlled substance, the items of his past record. Setting all that stuff aside it was still a person who was breaking the law, a person that was in pursuit from our police officers. The police I think acted very responsibly. They backed off because speeds reached 80 miles per hour, it was like a Hollywood-like chase through the Northside streets and I think they acted very responsibly.

I'm willing to take that policy question and that policy question is that if someone is going to break the law that in no

way are we going to just cave in and subsidize the criminal activity. That I really believe that the taxpayers know the risk involved. From the number of calls that I fielded this morning, I fielded each and every one on this issue; they know the risk involved. I'm going to say bluntly here that a judgment could be upwards to \$500,000.00 to \$700,000.00, but I think every taxpayer in the City of Pittsburgh is willing to throw in their \$5.00 to see this go to trial and I'm going to be voting no on the settlement but I have also presented legislation that if my colleagues were uncomfortable just voting no on the legislation and directing our Law Department to go to court that we could go to outside counsel for a cost of \$2500.00 and receive an opinion from the outside counsel. I don't think we need that though and I'm very comfortable with our Law Department and I'm very comfortable in saying to them if this is a policy question and this is a principle stand, let's tell our Law Department and let's vote this down and tell our Law Department to go to court and I believe each and every one of us, I really believe this in all my heart listening very closely to all my colleagues throughout the years, we'll be at that trial and we'll be sitting right behind you Mr. Specter and whoever you and Mary Conturo decide to try the case and I hope that the jurors realize what the facts of the case are; we're going to win this one.

Mr. O'Connor:

You said there was an avenue of escape.

Mr. Specter:

Yes.

Mr. O'Connor:

Is that mandatory that the police have to give somebody the avenue of escape?

Mr. Specter:

Yes, it is. The general policy regarding violations of this type is that deadly force cannot be used to apprehend someone so there's no prohibition against setting up for traffic violations or other minor offenses. There is no prohibition against setting up a roadblock but for a violation of this type the officer is required to leave some avenue of escape so that the fleeing person isn't in a position in which he will run into the roadblock whatever it is but in this case it was a police car.

Mr. O'Connor:

In this case if he was in a regular automobile would he have been able to get around?

Mr. Specter:

No. It was in the street and no. My recollection is would not have made it through.

Mr. O'Connor:

So if he wasn't in a motorcycle he would have had to stop or make the decision to go on ahead into a police car.

Mr. Specter:

Or alternatively the police car might have decided to leave a wider avenue to go around.

Mr. O'Connor:

What happens when we set up roadblocks on New Year's Eve for checking drunk drivers?

Mr. Specter:

That is really a different situation. Frankly, I don't recall the clear answer to that and I apologize but I do know that that policy has come under fire from civil liberties groups but nonetheless that is not really the same thing because here we are dealing with an actual offense, albeit the courts have considered it a minor one but it is an actual offense.

Mr. O'Connor:

If there's a roadblock on New Year's Eve and someone doesn't want to stop, what gives them the right to crash right through it. We're really not allowed to block the road and do this?

Mr. Specter:

You can't --

Mr. O'Connor:

-- or God forbid a child was missing and we're stopping every car to check.

Mr. Specter:

That's different. The courts in these police chase cases have not really definitively set forth what kind of a crime is

of the nature that would be justified in using excessive force but nonetheless I would think something like you've described, a kidnapping, someone who is fleeing and who is known to have put someone else in bodily danger or that sort of thing, you could use deadly force to stop that person I believe.

Mr. O'Connor:

But the officer who was actually chasing the person did ease up?

Mr. Specter:

The officer was chasing him was not the one who --

Mr. O'Connor:

-- I realize that but in other words he said this has gone too far.

Mr. Specter:

He continued to chase him. He wasn't bumper to bumper with him.

Mr. O'Connor:

Who paid this person's hospital bills?

Mr. Specter:

I believe they were paid by welfare.

Mr. O'Connor:

So the state covered all his bills.

Mr. Specter:

Yes.

Mr. O'Connor:

If there is a new trial do they know of the previous settlement?

Mr. Specter:

No.

Mr. O'Connor:

So in other words if we go to trial we start all over again.

Mr. Specter:

That's right. However, we do have to contend with the prior testimony. It could be used -- in other words if a witness in the new trial testified in a way which was different or at odds with his prior testimony he could be confronted with that but basically the answer to your question is it's a new trial.

Mr. O'Connor:

We are not risking \$1 million if we go back to court. In other words, they gave him \$700,000.00 the first time so that's really irrelevant this time.

Mr. Specter:

It's irrelevant but the reason we call it to your attention is to point out that one jury has already done that and that's one of the reasons we're recommending the settlement.

Mr. O'Connor:

Do the judges and the jury know that we have a cap of one-half million dollars?

Mr. Specter:

The judge knows, the jury does not.

Mr. O'Connor:

So you're risking only -- if we would fail next time the judge should only award him one-half million dollars.

Mr. Specter:

No. Delay damages would be on top of that and unfortunately under a recent Supreme Court decision delay damages would be calculated on the total verdict and by way of example let's say they gave him \$1 million. The Court would reduce the \$1 million to \$500,000.00 but the delay would be calculated on the \$1 million, so he would get \$500,000.00 plus 140 percent of one million dollars. That is the risk in this case.

Mr. O'Connor:

We're appealing it to a higher court.

Mr. Specter:

No. At this point we're in the Common Pleas Court where the case would be tried.

Mr. O'Connor:

If we would lose that or we weren't satisfied could we go another step?

Mr. Specter:

Certainly we can appeal to Commonwealth Court but we have been there once and we have a sense of their feeling about these issues.

Mr. Ricciardi:

Would there be the same members on the Commonwealth Court? Has it changed at all?

Mr. Specter:

It would be essentially the same.

Mr. O'Connor:

I believe Mr. Ricciardi brings up a good point and most of my phone calls and people in my district are saying we didn't put a number on it but I think they are willing to gamble with \$5.00 to say we have to support our police officers, I think they did a good job here, they tried to stop the character. Again he was probably a worse character than they assumed but I think I'm going to support Mr. Ricciardi. I think it's time we take a stand and we are not going to accept this kind of -- you know, when I was a kid, if you said "stop" we stopped and nobody stops.

Mr. Onorato:

Mr. Specter, here we go again. You have a pretty good track record and you've been winning the last couple of rounds. This isn't us against you as you know and your department did a great job and we're acting as a team here and anything that's said here isn't any reflection on your department.

Mr. Specter:

I understand that.

Mr. Onorato:

I'm disturbed by this whole case for several reasons. One, the image that's given out there is, "Boy this is excessive force. An individual lost his leg for a traffic violation." And if you say it in those terms it's pretty unfortunate. But when the individual goes through a stop sign, that is a traffic violation but when an individual goes through a stop sign and is asked by police to stop and then takes off, that changes the whole dynamics of the game. When a guy is speeding through the streets of Northside and particularly Spring Hill and I know this area well it's my district, when that car is speeding it's no longer a minor traffic violation. That is as dangerous as somebody wielding a gun up and down those streets with a car. There's kids and sidewalks are crowded and on Itin Street coming down, I don't know if you're familiar with it, you can't even put two cars by each other. You have to wait either at the top or the bottom when a car is coming down or coming up. This is extremely dangerous what this individual did. And what really disturbs me is that I request more speed checks in my district in the last two years -- it's one of the number one complaints I get in my office of cars speeding throughout the Northside and I'm sure it's city-wide. I put in more letters to Commander Scenna to go out there and put up the radar traps and the speed traps and he does it. Thank God, periodically we put them around the Northside and we catch people. This is a serious problem that we have and I think that's where I have a problem with putting this in the image of a traffic violation. It's more than a traffic violation. When the officers are chasing it changed the game.

What I don't understand and what I want to ask about is this -- you said there was a conflict in the testimony over what happened at the last two seconds with the officer. So we have conflicting testimony that somebody said I guess the officer stopped for the roadblock and the other argument is he actually drove into the motorcycle.

Mr. Specter:

That is the argument.

Mr. Onorato:

We have conflicting testimony on record and the jury decided 82 percent our fault after that conflicting testimony.

Mr. Specter:

That's right.

Mr. Onorato:

When we appealed, is it sent back for trial again at this point?

Mr. Specter:

That's right.

Mr. Onorato:

The same testimony will be there, correct?

Mr. Specter:

That's correct.

Mr. Onorato:

Why do you think they want to settle for \$225,000.00 if they have a shot at hitting the home run here?

Mr. Specter:

Obviously I don't know what's in their minds, in the minds of the plaintiff or the or the plaintiff's attorneys. If I had to speculate, for the very reasons that you all are discussing here this morning. They know that another jury might disagree with the conduct and find in favor of the City; that is risk they take. They know they got a great verdict the first time around. They also know it's a new jury and a new time and certainly I can't sit here and tell you that the verdict is going to be \$1 million again; I would hope not. I would hope it would be a defense verdict but I would think likewise they're thinking the same thing. They might lose and it's a settlement.

Mr. Onorato:

I have my reasons why I think they want to settle. This might sound cold or callous. It's unfortunate that an individual lost his leg. Do I feel sorry for the situation? Not at all because they could have easily been an innocent person killed or a child killed racing through the streets and I am glad the police stopped him.

What I would like to do and the reason I think they want to settle is because: One, the time frame involved. We all know how long this is going to last -- this is already since 1979 and I'm sure they want to settle this and move forward. I don't care if we trial-appeal, trial-appeal, trial-appeal for the next ten years, I'll let this person wait because what he did was wrong. The medical bills were paid, that's good, but there's no reason why we should pay anything above that as far as I'm

concerned because this guy jeopardized the lives of everyone on the Northside riding through there and I do not think that we should send a message that we will settle. If we lose in court then let's put the finger on the judge and the judicial system and say they're out of whack on this one. Why should we give up? I think the judicial system has to be held up to the public scrutiny at this point because right now the whole system is turned upside down. This is ridiculous that we're paying out money for what this individual did. I think it's common sense and everyone agrees including you that we're even sitting here and talking of these types of dollars for an individual who refused to listen to police, ran through the streets and avoided a roadblock and went right into the police car -- I don't care if the police car was moving or stopped and yet he comes back and says "I lost my leg, why don't you give me money now for damages." That is unacceptable as far as I'm concerned.

So at this point on this particular case I think that I'm going to take the stand that we don't pay it and have your department move forward with the trial. If we should lose and it comes back higher then let's appeal it again and let's make that individual and that attorney spend his time if that's what they want to do and clog the court system up with this, I think we should let him do it. We will use the court system in our favor. Let us use the time that it takes to go through the judicial system and let's sting him out as long as we can because this was a violation of everyone that lives in the city that obeys the law and every speed check that I put out there, it would be hypocritical for me to sit here and say "We've put a speed check up and we caught the guy and now we're going to pay him damages." We didn't do anything wrong here and I don't care what a jury said. We responded to a call and tried to protect our streets.

Mr. Specter:

Let me say one thing in response because I can't disagree with your characterization of his acts. However, when you use the system, these delay damages continue to accrue and the very purpose of that rule is to prevent defendants from using the system. You should be cognizant of that.

Mr. Onorato:

I understand and I'm willing to face the consequences and face the damages that can possibly come down and I will go back to my constituents and be happy to tell them the down side and the possibilities that we could lose this case and I feel comfortable that they will support me because they are fed up with it.

Mr. Ferlo:

Mr. Specter and Members of Council, part of our job on this Council is to deal not only with social policies such as gun bills and things of this sort but a lot of other legislative issues that come to our forum. But a part of our job also is to deal with protecting the assets of this corporation much the same as a corporate board member and I'm trying to separate out the emotionalism and the rhetoric here and it's powerful emotionalism and it's certainly the emotionalism that I reacted to initially when I got the memo from the Law Department. It's a common refrain on this Council of our outrage about the fact that such a payment would have to be made to an individual given the circumstances that have been talked about so I join that emotionalism and that outrage. Now let's try to separate out the emotionalism from what may be the reality financially to this corporation and this city in terms of what we may or may not have to pay out at some point and I'd like to try to focus in on that just so I have a better understanding.

What actually would be the permitted elements of review for any new jury and/or any new judge? Granted, you said earlier that there would be a new award if we were found guilty, a new jury would deal differently with the award issue in terms of a settlement but what are the things that actually could be brought to trial again? I have one specific question. Is there some testimony that's already on deposition by a police officer who admitted some issues involving failure to follow city policy on either the chase or the nature of the roadblock or something of that sort? Again, I'm not privy to all of the deposition and the review but what are the actual issues that would be admitted and were we not going to be able to alter or maybe coach the next witness? What's going to automatically be on board before that next jury that we think would be detrimental?

Mr. Specter:

That is a good question but it's also broad based because in a difficulty in answering it in a short period of time here is that this is a several-thousand page record in addition to the depositions which were themselves hundreds if not thousands of pages.

The bottom line answer to your question probably is the basic dispute between the motorcyclist as to whether the car moved and the police officer as to what happened at that last split second. That testimony will not change and a new jury is still going to have to determine whether the police car intentionally hit the motorcyclist or did the police car move at all and the motorcyclist hit him because he slid or was going too fast or whatever or equally possible that at the very last second as this motorcycle is coming towards the police car the police officer moved his head, that sort of thing and maybe the

car moved a fraction and the two of them together caused the collision. Those are open questions and a new jury would get the same shot at them as the first jury.

Mr. Ferlo:

That is the one set of issues the dynamic of whether or not the vehicle moved and whether or not policy was followed. A lot of it is in deposition already.

Mr. Specter:

That's correct, right.

Mr. Ferlo:

No new coaching of officers is necessarily going to change what a jury is going to hear in the future.

Mr. Specter:

That's right.

Mr. Ferlo:

Are elements of this individual's life circumstance over the last seven or eight years, would that in any way on the record? Again, technically disseminated from a traffic violation albeit I agree with Mr. Onorato's characterization of what happened once that individual went through the stop sign but technically the issue that Mr. Ricciardi raises about the guns is not going to be before the review of the jury.

Mr. Specter:

That's correct.

Mr. Ferlo:

Is this individual's role in society since this incident, how much was that a factor before a jury? There is commentary about him having a family and he owns a small business and it may be irrelevant, I don't know, I am asking you. What are the relevant issues that a jury would look at?

Mr. Specter:

If I may, you know I rarely answer you in this way but there are aspects of the answer to that which I believe should not be discussed here in public particularly because it appears the case may go back to trial.

Mr. Ferlo:

Not discussed in public because of our benefit or because of the other side's benefit?

Mr. Specter:

Because of the danger to our case.

Mr. Ferlo:

Stop right there. I support Mr. Ricciardi's stance here today. I think we should proceed as Mr. Ricciardi and Mr. Onorato have suggested but with one proviso. I think given the magnitude of the monies involved I think what Mr. Ricciardi has offered also in a resolution he submitted is prudent and that is we get an independent assessment. I may or may not have criticisms of the Law Department on how you have had handled the case so far and I'd rather not get into that but I think it would be prudent given the cap of \$2500.00 that we Mr. Ricciardi, and I hope he would still consider offering his resolution, I think it would be prudent on this Council's part from purely a fiduciary role that we spend a little bit of money to get a second opinion and look at a law firm that could give us some of the parameters of what kind of defense we should pursue. So I would like to hope that Mr. Ricciardi still offers that resolution.

Mr. Specter:

If I can say two things in response. I did mean that I didn't want to discuss it with you, I meant we would be more than happy to discuss any aspect of it in executive session.

Mr. Ferlo:

I understand that.

Mr. Specter:

Number Two, on Mr. Ricciardi bill, whatever the merits of it may be I have to tell you there's probably not time and the reason is I think the plaintiff and we and probably Judge Johnson would take the position if Council rejects this settlement it would probably be re-listed for trial as soon as it is convenient. It's not going to sit around for years.

Mr. Ferlo:

Even if we reject it, is it going to be tomorrow or next week?.

Mr. Specter:

That is not inconceivable. I can't say that it will happen but when the --

Mr. Ferlo:

-- I would think that we could safely have one week's time to get an opinion from Mr. Ricciardi's other resolution.

Mr. Specter:

You can do it that way.

Michelle Madoff:

Who was the attorney that represented the City? I can't find it anywhere in the information. I'd like to know the name of the attorney, it's public information and we're paying for it and that is not a secret.

Mr. Specter:

His name was Zan Hodzic.

Michelle Madoff:

How long has he been in practice?

Mr. Specter:

Michelle --

Michelle Madoff:

-- I would like to know a little bit about him.

Mr. Specter:

And I'm going to say to you I think it's inappropriate --

Michelle Madoff:

-- I'll go check it myself.

Mr. Specter:

Feel free to do that.

Michelle Madoff:

Do you know anything about the judge that heard the case and how many of his cases have been overturned on appeal?

Mr. Specter:

The judge is a highly respected judge, Livingston Johnson, who's been a member --

Michelle Madoff:

-- he's a friend of mine for a long, long time. Have you checked to see how many of his cases have been overturned on appeal? There are two Johnsons as I recall, they're brothers.

Mr. Specter:

That's correct.

Michelle Madoff:

And the other brother's name is --

Mr. Specter:

-- Justin Johnson.

Michelle Madoff:

Justin has sworn me in this office. I know Justin and I know Libby. I was influential in Libby becoming a judge.

The Chair:

Justin is not a trial court judge.

Michelle Madoff:

I'm saying there are two brothers. My question is, how many of the judge's cases have been overturned on appeal?

Mr. Specter:

I don't know.

Michelle Madoff:

I would suggest you look and report back in private to this body. Secondly, I don't know anything about Hodzic and why you were reluctant to talk about it.

I think it's an outrage, an absolute utter outrage that the public is being told repeatedly as I have for 15 years, let's settle on this little \$1 million, this is \$200,000.00 because if we don't pay it's going to cost us more. There are some of my colleagues that believe you have to pay and that's part of the hazards of government. Well, the fact remains that if we do not

challenge this case, if we don't have the courage or the backbone to challenge this case, we're going to pay all right and we're going to pay the taxpayers' dollars because criminals, people who are found carrying guns, people who are in violation of the law are going to be able to say and the best example I've heard of that -- did everybody see the cartoon in yesterday's paper where a gentleman is with his wife looking at buying televisions and he says to the salesman, "We can't buy this big television because if a burglar breaks in and carries it and he hurts himself taking it out he'll sue us." That mentality has to stop. Now I'm leaving here very shortly at the end of this year and it seems to me that this is so refreshing to hear my colleagues, Jim Ferlo, Mr. Ricciardi and Mr. Onorato finally having the courage and seeing the light and saying this has to stop. I think the issue that was brought up about the roadblock -- the roadblock is the same issue. What is the worst thing that can happen if we lose the case other the monetary? And remember folks, when you're talking about money even if it's \$1 million, there's an old expression in the bond business, "It would be cheaper to give a mayor running for office \$25,000.00 a year from taxpayer's money over four years than it is to go to negotiated bonds." This million dollars will be the best investment the City has ever made.

Now the worst thing that will happen out of this is maybe we will rewrite the legislation that will protect our police if. Indeed there's a problem, the fact that we have to set up roadblocks, we're going to have to have a roadblock and if the roadblock at the moment is an illegal act then we've got to make it a legal situation and we just can't have this attitude "we'll have to deal with it" or "you'll have to pay more". If we don't do something now we are going to be paying and paying. Now that's not to say that when we have abused someone and we have a responsibility to them and you know who I'm talking about because we've discussed it at length, that shouldn't make it right when we are wrong. We are not wrong in this case, we didn't abuse anybody, we didn't make somebody lose his home because we were wrong. He should have lost both if that's the way he was behaving. I feel sorry for him having lost his leg but on the other hand would you rather two policemen were shot while he was running away or two policemen got killed in that chase? These policemen put their lives on the line every single day. They could have been killed in this chase. So he lost his leg. I'm tired of people saying, "Poor me, I lost my leg and give me one-quarter million dollars." He was in violation of the law, he's a criminal, he was carrying a loaded weapon. All of the things I heard are outrageous and I absolutely support your position and thank you for enlightening me on it.

Mr. Darkins:

My opinion of this case and proceedings and where I'm coming from serving the Commonwealth of Pennsylvania for 13

years, the long range of this is and there's some merits to what Councilman Ricciardi's issue is all about. If we don't pay it now we're going to pay it later and we're going to pay more. It's not a thing that we're taking the tax dollars of our taxpayers or just being a give away. You have to understand there's a loss of a limb, criminal or no criminal, and after you take the appeal in the long range they will win this case. I'm going on my background what I know about injury cases and I think that the City is far ahead dismissing the criminal because you don't have any law to substantiate what you're saying here. The loss of a limb is where the case is at. That is where it is at and I wish that my colleagues understood that. It's the loss of a limb. Forget the criminal. It's the loss of a limb and the man has lost his leg. They can appeal it and you will go all the way to the Supreme Court and we will have lost it because you are going pay more money in the long run. So it's not that we're looking at the part of the criminal aspects. My colleagues check that out, attorney Dan Onorato attorney Dan Cohen, you check that out seriously. It's not the criminal aspects in this case, it's the loss of the limb.

Mr. Smith:

Quickly, it's \$1.2 million is what this case would have cost us if this settlement were not issued.

Mr. Specter:

If we have lost in the Commonwealth Court that's what it would have cost us. If we had not gotten a retrial.

Mr. Smith:

Okay. You were suggesting that we settle this case. There has to be a reason why you believe settlement is our best alternative. Could you please explain to me other than the money or if you cannot discuss the case is there a specific reason other than the length of time and the penalty for delay? Is it the money or the case?

Mr. Specter:

The money is certainly -- I would say major motivating factor when compared to what the prior jury did and I would be less than candid which I would not be with you or this body if I were not to say it's the money and what could happen, that is Number One. Number Two, certainly we all understand and share to a great extent if not entirely some of the convictions of Councilman Ricciardi and others who've joined in them but nonetheless, Councilman Darkins said it very well. You don't know how a jury is going to react to the fact that the man will be sitting there with one-half leg so you combine that with the money, the money being the delay that I've talked about here

together with the injury, you just don't know how another jury would look at it. I would say in a nutshell those are the two reasons.

Mr. Smith:

Thank you. My problem is that I honestly believe that the theater of courtroom, the loss of a limb, the ability to sway a jury that looks at institutions and to government as deep pocketed institutions that can come up with settlement, we all have sympathy for individuals certain information as you have pointed out will never come to light to lose a leg over a traffic violation would probably draw a lot of jurors' attention immediately for running a stop sign. I think that I am probably out gunned at this table in a philosophical approach, it's not the first time, but I for one believe that we are probably getting off inexpensively. By the way, will welfare have the ability to collect the payment?

Mr. Specter:

Yes.

Mr. Smith:

So they will recoup their money.

Mr. Darkins:

They get first.

Mr. Smith:

I want you know that I trust your opinion on this one. I think that it could cost us much more and I will be very honest with you having done a little stint in a hospital. When someone comes in without a leg because there's no law that says he has to wear it in or walk right, when the theatrics are done it may be \$1.2 million and of course my colleagues know me well and I will definitely remind them if we should lose and otherwise please make a public spectacle that I will not be with you on this one and that you won the case in appeal and I will applaud you for the benefit of the citizens.

Mr. Wagner:

Mr. Specter, would you be against holding this for one week or two and getting the opinion that Councilman Ricciardi has requested through his piece of legislation, a third opinion to give this Council a better understanding of what our potential for winning or losing this case would be?

Mr. Specter:

I personally have no objection to that. I cannot give you any assurances at all as to what the Court would do. My guess is and it would depend primarily upon plaintiff's counsel. If he went back to the court and said "I want the case relisted immediately", I would be in an awkward position because I have spend a lot of time with Judge Johnson and opposing counsel in trying to get the settlement to this point and I was asked would the City have any objection to a speedy relisting and I said "no". We are now in the middle of a trial term in the Common Pleas Court and so it could be done and a jury -- by the way, a jury had been selected.

Mr. Wagner:

I'm not talking about that. I'm talking about getting a third opinion by someone who has expertise in this area simply for this Council to be more comfortable as to the direction we're taking. Would you be receptive to that? Is two weeks too long?

Mr. Specter:

I have no objection. I can't tell you that the plaintiff's attorney wouldn't go back and try to have the case listed for trial next week.

Mr. Wagner:

Do you know of a way, do we know of someone that could give us a third opinion in an expedient fashion on this issue?

Mr. Ricciardi:

Mr. Wagner, I had even written down that I thought we should hold the settlement for three weeks and then pass any legislation and go out. I will be frank with you. I have spoken to a few attorneys, two with major law firms and they believe that they could work with the Law Department within one week or two and come back with an opinion. However, I in no way shared any names with everyone because my legislation says as other legislation has always stated we've always been very fair with each other on that and that it would have to be a majority that would decide on any individual.

Before I even support my own bill though I would like to finish -- hopefully yourself and everyone can give me their opinion on that including some of the people who have already spoken and our Chairman has not spoken yet. The answer is yes. Someone can come back to us in a week or two and give us an opinion and I have spoken to three individuals who I all trust.

Mr. Wagner:

I'm trying to cut to the chase here. I can sit here and try to analyze this all day and not know what the odds are for us to win or lose the case. You have in front of us a settlement of \$225,000.00. If you were an odds-maker, what are our chances of winning or losing if we take this to court?

Mr. Specter:

I'd love to be able to give you an answer. I really don't know. The reason we made the recommendation is the risk involved. Could we win the case? Sure we can win the case. Could there be another big verdict? Sure. It's in the lap of the gods. You are going to have 12 people sitting there listening to the facts all over again.

Mr. Wagner:

So what you have proposed in front of us is a settlement of \$225,000.00 or we could lose as you indicated I believe a figure of in excess of \$1 million if the Court ruled against us and in favor of this individual; is that right?

Mr. Specter:

That is possible.

Mr. Wagner:

Is there any middle ground there?

Mr. Specter:

Certainly. The jury would have extremely wide latitude and it could be -- there's no telling. They would have not have to find a specific figure.

Mr. Wagner:

I have no sympathy for this person and I know many of my colleagues have stated the same and I would like to see the person not get anything also but the reality of the world we live in is that other people decide these decisions and I would like us to have some sense of reality of what can happen and I think you're suggesting that to us and we're saying to you the number is so big that we're stepping back and saying maybe we should not agree with you. I don't know if our emotions are getting involved or not, so I would suggest and I would support us getting that third opinion but getting it immediately as expeditiously as possible, maybe within two weeks and maybe even Mr. Ricciardi if your bill passes today to begin the process before week's end and to get back as soon as possible because of

what you stated Mr. Specter that the courts could begin to move forward also immediately, so the quicker we have a better feel for our direction the better off we are.

Again, I'm uncertain how to vote on this but I don't want to see the City lose in excess of \$1 million. If we can get out of it for less we should get out of it for less but if we can win it we should win it and no one has really said what the percentages of the other alternative are and if the percentages are not in our favor we should probably make the settlement. So I don't know where this Council is going with the legislation but if the 50/50 chance is for us to lose, we should probably make a settlement because the settlement is one fourth of what we potentially could lose so I'm interested also in hearing other discussion and where Mr. Ricciardi wants to go with the bill thank you.

Mr. Darkins:

I'm not opposed. I have a great respect for my colleague Gene Ricciardi and what you're initiating, it's just that this a field that I'm pretty knowledgeable about and that's where my expertise is. I just know that we cannot win this. Mr. Specter, you can correct me if I'm wrong. What happens in the interim of this thing is that the attorney fees can also be imposed upon the City to pay for the so-called criminal that's representing him.

Mr. Specter:

No, we would not be liable for attorney's fees.

Mr. Darkins:

Is there any penalties and interest here?

Mr. Specter:

Yes.

Mr. Darkins:

So therefore if we make the settlement now and pay and if we are concerned about our taxpayers, it's their tax dollars that's paying everything, they're way ahead. Am I'm saying it the right way?

Mr. Specter:

That's why we made the recommendation.

The Chair:

I've read all the material that you provided us Mr. Specter and I appreciate it and I've also heard all of the testimony today. Every one of the my questions has been answered except for one and that is really a legal question and that is why was the case remanded from the Commonwealth Court back down to the trial court or the Common Pleas Court? What was the issue upon which it was remanded back?

Mr. Specter:

Two narrow issues. Judge Johnson had ruled that the radio operator in the car, there were two officers in the car and he had ruled that the radio operator who had been in contact with the dispatcher was by virtue of receiving instructions from the dispatcher and communicating them to the driver, it was thereby operating a motor vehicle and operation of a motor vehicle is one of the exceptions under the Tort Immunity Act. The City can be liable for negligent operation of a motor vehicle. The Commonwealth Court ruled that operation of the radio and the communications emanating from it did not constitute operation of a motor vehicle.

The Chair:

So does that mean that the City could not be held liable for that aspect of the case?

Mr. Specter:

That's correct. Secondly, the second issue and again unfortunately it's a narrow one. Judge Johnson also ruled that the jury could consider whether the decision to create a roadblock was negligence and the Commonwealth Court said that was not something for which the City could be liable.

The Chair:

The decision to actually create a roadblock.

Mr. Specter:

Yes.

The Chair:

Since it is remanded to the trial court, if Council were to reject your settlement offer or the tentative agreement, the case would be retried on every issue and not just on the remanded issue.

Mr. Specter:

That's correct. Let's be realistic and you certainly know this very well. There's a 31-page opinion from the Commonwealth Court dealing with 10 or 11 different issues most of which we lost. The likelihood of Judge Johnson or even before another judge but I believe it would be he again changing his mind --

The Chair:

-- Mr. Specter, it would be a new jury. If we were to try this case all bets are off and we start again. I think that is an important point which is that it wouldn't be retried just on that narrow issue.

Mr. Specter:

Yes.

The Chair:

Well after hearing the testimony and even as a lawyer I can't in good conscience vote for \$225,000.00 to a person who committed multiple violations of the law which could have endangered lives 14 years ago and I realize there's a risk of hire damages to the City, but after reviewing the materials and hearing the testimony I think that this case could be better tried by the City and I'm glad that it has been remanded. I feel the same way some of my colleagues do. I am sorry that this person lost his leg but when you blow past stop signs and allude blaring police cruisers at an excessive rate of speed you assume a risk and one of those risks that you assume is that of bodily harm. Maybe it's because it's taking place during the middle of the budget process but when I think of \$225,000.00 and what that could mean to the City right now at a time that we're trying to balance the budget, it occurs to me that \$225,000.00 is seven police officers, it's seven rookie police officers. It is one-half, a full one-half of everything we would save if we privatize the Zoo. We would save approximately \$500,000.00 next year and this is one-half of that. It's a huge amount of money that would go towards the social service agencies that we're trying to fund including the Center for Victims of Violent Crime, the Pittsburgh Action Against Rape, those social service agencies that serve victims.

I have great respect for you Mr. Specter as a trial lawyer and as an attorney and it's very rare that I would go against and not accept an opinion that you give to this Council but I have so much respect for you that I think that you should go back and try this case because I think that we would have a decent chance of winning this case. In my view on Mr. Ricciardi's second bill about giving it to an outside law firm, I'm afraid that what could happen -- remember, whatever opinion

we get from the law firm will affect settlement negotiations because this could go parallel with the trial so whatever opinion we get back from the law firm and you and I know that a law firm, depending on which law firm you get, you can get any opinion across the spectrum, that will affect what the settlement negotiations are. My own view is that we should not hire an outside law firm, and that we should go ahead retry the case and take our chances.

Michelle Madoff:

My question is if we vote no then the bill doesn't get paid and it automatically goes back and I've asked Mr. Ricciardi not to introduce his legislation to get another opinion because it will only cloud the issue and I think that Mr. Onorato's absolutely right. I think we're in a different climate today in the streets than we were when this incident occurred. And Mr. Wagner ties into the bill in his gun law. Look what happened last night again with shootings.

The Chair:

I'm not going to get into this very much is that I think if you go back to opposing counsel and say that your client, these nine members of City Council have rejected the settlement offer, I think they will come in with a lower settlement.

Mr. Darkins:

We can't go and say nine.

The Chair:

I know, that's why we're going to have a vote. I read them as companion bills and I'd be happy to take them separately.

Mr. Ferlo:

On the second bill, I feel comfortable supporting the majority consent here about wanting the Law Department to go back and oppose this however, I cannot vote that way if we don't take at least the initial step of seeking out the legal opinion, not so much that we couldn't get 20 different legal opinions clearly we know that but the issue is what other kinds of legal issues could outside counsel advise us on whether or not getting to Mr. Wagner's concern we have a 50/50 or a 70/30 chance. We're talking about large sums of money here and we may have a future council sitting around here talking about how -- what were those crazy fools thinking of now that we have to spend \$1 million. Don't they know it's two police stations and a fire station? So setting aside that issue I think it's prudent to at least spend a little bit of money as Mr. Ricciardi's second resolution suggests so at least we have a more informed advice and

knowledge about what it is that we need to look at if we instruct the Law Department to go back and pursue this. If we are not going to do that then I would respectfully disagree and I would have to vote no on Mr. Ricciardi's bill.

The Chair:

My only point is that Mr. Specter is a seasoned trial lawyer and I think he's know what to do.

Mr. Ferlo:

We vote first on whether or not we want to spends the \$2500.00 and then we decide on the substantive bill.

The Chair:

No, I will take them in order because I think I can tell from a consensus here.

Roll Call on Bill No. 3414. This is on whether to pay the warrant of \$225,000.00 to this Henry Jodzis.

Mr. Wagner:

Point of order. I would disagree with you here from an order perspective that the second bill truly is invalid if the first bill fails. Consequently, I think the bill as Mr. Ferlo stated pertaining to the \$2500.00 should be the one taken first.

Mr. Ferlo:

Point of procedure.

The Chair:

Point of procedure as to which order to take these in. All those who wish to take the bill on whether to give this to an outside law firm first will say aye, those who don't say nay.

Roll Call

AYES	4	NOES	5
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The Chair:

On the bill, Bill No. 3414 providing a warrant voting for the settlement of this case. Roll Call

AYES	4	NOES	5
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The Chair:

On Bill No. 3457 whether or not to send this to a law firm
for a separate opinion.

Roll Call

AYES	2	NOES	7
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(END OF COMMENTS)

PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Ferlo Mr. Wagner
Mr. O'Connor (Pres't)

AYES 3 NOES 6

VOTING NO:

Mr. Cohen Mr. Onorato
Mr. Darkins Mr. Ricciardi
Michelle Madoff Mr. Smith

And a majority of the votes of Council not being in the affirmative, the bill was defeated.

Also, with an affirmative recommendation,

Bill No. 3415

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of KPMG Peat Marwick in the amount of ten thousand five hundred thirty four dollars (\$10,534) in payment for additional work for the completion of the annual City audit for the year ending December 31, 1992; and providing for the payment thereof from Code Account 1063, Index Code 106302, Miscellaneous Services, Department of Finance."

Which was read.

Also,

Bill No. 3416

A Resolution entitled, "Resolution providing for the issuance of a \$887.00 warrant in favor of American Rent A Ride in settlement of claim for automobile damage."

Which was read.

Also,

Bill No. 3417

A Resolution entitled, "Resolution providing for the issuance of a \$1,143.40 warrant in favor of Steven Mitchell in settlement of claim for automobile damage."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen Mr. Onorato
Mr. Darkins Mr. Ricciardi
Mr. Ferlo Mr. Smith
Michelle Madoff Mr. Wagner
Mr. O'Connor (Pres't)

AYES 9 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 3418

A Resolution entitled, "Resolution transferring the sum of Eleven Thousand Dollars (\$11,000) to Code Account 1045-9, Index Code 104596, Department of the Mayor, City Information Systems from Code Account 1043, Index Code 104307, Miscellaneous Services, Department of the Mayor, City Information Systems."

Which was read.

Also,

Bill No. 3419

A Resolution entitled, "Resolution approving conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, 'Second Class City Treasurer Sale and Collection Act', effective December 11, 1984, to the Urban Redevelopment Authority."

Which was read.

Also,

Bill No. 3420

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with Act No. 171 of 1984, 'Second Class City Treasurer Sale and Collection Act,' effective December 11, 1984."

Which was read.

Also,

Bill No. 3425

A Resolution entitled, "Resolution authorizing

the transfer of Fifteen Thousand Dollars (\$15,000.00) from Police Code Account 1450, Equipment, Index Code 145003, to Police Code Account 1448, Miscellaneous Services, Index Code 144808, Department of Public Safety. This transfer is necessary due to unexpected repair and service costs during 1993."

Which was read.

Also,

Bill No. 3390

A Resolution entitled, "Resolution electing to be within the field of operation of the Allegheny County Residential Finance Authority for the purpose of permitting a tax-exempt transaction which includes the refinancing of certain properties located in the City of Pittsburgh."

Which was read.

Also,

Bill No. 3452

A Resolution entitled, "Resolution authorizing the transfer of Four Hundred Fifty Thousand Dollars (\$450,000.00) from Code Account 45, Index Code 004507, Health Insurance Municipal Employees; Twenty-Seven Thousand Dollars (\$27,000.00) from Code Account 1446-1, Index Code 144618, Investigation Expenses; Five Thousand Dollars (\$5,000.00) from Code Account 1452-2, Index Code 145227, Legal Defense Contributions; Eighteen Thousand Dollars (\$18,000.00) from Code Account 1447-1, Index Code 144717, Canine Expenses and One Hundred Thousand Dollars (\$100,000.00) from Code Account 1457-9, Index Code 145797, Workers Compensation, Bureau of Police to Code Account 1443-4, Index Code 144345, Premium Pay, Bureau of Police, Department of Public Safety."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Michelle Madoff	Mr. Wagner
Mr. O'Connor	(Pres't)

AYES 9 NOES none

And there being a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 3453

A Resolution entitled, "Resolution authorizing the transfer of Three Hundred Fifty Thousand Dollars (\$350,000.00) from Code Account 1470-9, Index Code 147090, Workers Compensation, Bureau of Fire; Two Hundred Sixty-Five Thousand Dollars (\$265,000.00) from Code Account 53-1, Index Code 005314, Debt Service Stadium, Authority of Pittsburgh; One Hundred Seventy-Five Thousand Dollars (\$175,000.00) from Code Account 45, Index Code 004507, Health Insurance Municipal Employees; and Ten Thousand Dollars (\$10,000.00) from Code Account 1461, Index Code 146100, Salary and Wages, Bureau of Fire to Code Account 1461-1,

Index code 146118, Premium Pay, Bureau of Fire, Department of Public Safety."

Which was read.

Mr. Smith:

A transfer of a wind fall that this Council had authorized, in the refinancing of the stadium. I am still upset that \$265,000.00 is being taken from a windfall and placed, even though I understand we need the premium pay. I have a problem with the fact that that was a windfall that we created and that we literally had no input as to how the citizens of the City of Pittsburgh would best benefit from the wind fall that we created. I will be voting no on that bill based on the one transfer of money. I understand the need to fill the premium pay account. But I'm still objecting to all of the windfall monies that we assisted in providing to the City budget. By giving away everything that we could and refinancing everything that we can and have no input as to how the citizens of benefit from this.

So, I just want my comments brought forward on this bill.

(REMARKS ON FOLLOWING PAGES)

(MR. SMITH'S COMMENTS ON BILL NO. 3453-Wednesday, 11/23/93)

Mr. Smith:

Second for discussion. Part of this is philosophical. I have a problem. We are transferring \$1 million in Bill 3453 to the premium pay account.

Mr. DiNardo:

Not \$1 million; it is \$800,000.00, I thought it was.

Mr. Smith:

Okay, whatever, \$800,000.00. What occurred that we did not budget this account? This scares me that we are presently putting together next year's budget and \$1 million is -- has to be transferred to fill this account. What occurred?

Mr. DiNardo:

Chief, do you want to explain it?

Mr. Dickinson:

1993's budget was predicated on the implementation of Phase II of the reorganization, redeployment and reorganization. When that failed for several different reasons, there was no money in the budget to continue the cost of the additional firefighters that requires to be on duty, in essence, as we have used the term today a lot, each and every day because of the failure to implement Phase II is a cost of \$4,500.00 a day in overtime. That was not included in 1993's budget.

Mr. Smith:

Okay. Very good. My next problem is this Council voted to refinance the Stadium Authority, and this has nothing do with you, this is the Budget Office and the Administration. And here we are moving out of a savings that we voted on, \$265,000.00, that we are not having a decision on how it will be spent in the budget next year, but being told that it needs to go to this code account.

I have a serious problem with draining out the account that we thought we would have the ability to redirect funds in the city. I will not be supporting 3453 because of the \$265,000.00, not because of the Fire Bureau.

Mr. Dickinson:

I understand.

Mr. Smith:

I will be voting against it because I believe this is the second time they have hit this account, someone correct me if I am wrong, but the stadium debt account that we could have had or should have had some input into the windfall moneys. And I just wish for my colleagues to make note of that, because there will be nothing anywhere on all the votes that we gave to save money, we have not had an opportunity to direct that money to where we think it needs to go.

Mr. DiNardo:

Mr. Smith, if I could comment, my only concern with this is that there are three pays left in the year. This is a significant amount of funds. I am certain that a delay with this piece of legislation will create a situation where we may not be able to make payroll. So if you have a dispute with the Budget Office and Council agrees with it, we are in a position right now and that is why we waived Rule 8 to get this acted on today.

Mr. Smith:

Correct me if I am wrong, you said it cost \$4,500.00 a day?

Mr. DiNardo:

But it is in two week lumps, based on payroll period.

Mr. Smith:

Is that \$4,500.00 a person?

Mr. Dickinson:

No, no.

Mr. Smith:

So at \$4,500.00 a day, and there are 30 days, I don't see -- I don't see where you need \$800,000.00.

Mr. DiNardo:

We won't make our payroll if we don't make this transfer. I can show you those numbers before Tuesday, if you would like, or whenever the final vote is.

(End of remarks.)

(Transcribed by: Helen L. Kriebel, Stenotype Reporter)

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Michelle Madoff	Mr. Ricciardi
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 6 NOES 3

(MR. DARKINS, MR. FERLO AND MR. SMITH VOTING NO)

And there being a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3454

A Resolution entitled, "Resolution authorizing the transfer of Twenty-Five Thousand Dollars (\$25,000.00) from Code Account 1457-9, Index Code 145797, Workers Compensation, Bureau of Police, to Code Account 1444, Index Code 144402, Salaries and Wages, School Crossing Guards, Department of Public Safety."

Which was read.

Also,

Bill No. 3455

A Resolution entitled, "Resolution authorizing

the transfer of One Hundred Thousand Dollars (\$100,000.00) from Code Account 45, Index Code 004507, Health Insurance Municipal Employees to Code Account 1470, Index Code 147009, Uniforms, Bureau of Fire, Department of Public Safety."

Which was read.

Also,

Bill No. 3456

A Resolution entitled, "Resolution authorizing the transfer of Three Hundred Fifty Thousand Dollars (\$350,000.00) from Code Account 45, Index Code 004507, Health Insurance Municipal Employees to Code Account 1443, Index Code 144303, Salaries and Wages, Bureau of Police, Department of Public Safety."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Michelle Madoff	Mr. Wagner
Mr. O'Connor	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Ferlo presented

Bill No. 3477

Report of the Committee on Planning, Housing and Development for November 23, 1993 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3421

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 13th Ward of the City of Pittsburgh owned by the U.S. Department of Housing and Urban Development and designated as Block and Lot 174-B-246 in the Deed Registry Office of Allegheny County."

Which was read.

Also,

Bill No. 3422

A Resolution entitled, "Resolution approving execution of a Contract for Disposition by sale of Land by and between the Urban Redevelopment Authority of Pittsburgh and Homewood Brushton Revitalization and Development Corporation for the sale of Block and Lot 174-B-246, in the 13th Ward of the City of Pittsburgh (RESIDENTIAL REHABILITATION)."

Which was read.

Also,

Bill No. 3423

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 21st Ward of the City of Pittsburgh owned by the U.S. Department of Housing and Urban Development and designated as Block and Lot 22-L-163 in the Deed Registry Office of Allegheny County."

Which was read.

Also,

Bill No. 3424

A Resolution entitled, "Resolution approving execution of a Contract for Disposition by sale of Land by and between the Urban Redevelopment Authority of Pittsburgh and Manchester Citizens Corporation for the sale of Block and Lot 22-L-163, in the 21st Ward of the City of Pittsburgh (RESIDENTIAL REHABILITATION)."

Which was read.

Also,

Bill No. 3426

A Resolution entitled, "Resolution amending Resolution No. 432, approved May 7, 1993, entitled: 'Providing for an Agreement or Agreements with Allentown Business Association for operational/administrative expenses; maintenance; purchase of equipment; and/or minor rehabilitation of neighborhood facilities of the benefit of residents of the City of Pittsburgh, at a cost not to exceed \$750.00, chargeable to and payable from Code Account 1103, (110304), Miscellaneous Services, Department of City Planning,' by deleting Allentown Business Association and adding South Pittsburgh Economic Revitalization Team."

---(SPONSORED BY MR. RICCIARDI)

Which was read.

Also,

Bill No. 3427

A Resolution entitled, "Resolution amending Resolution No. 433, approved May 7, 1993, entitled: 'Providing for an Agreement or Agreements with Allentown Civic Association for operational/administrative expenses; maintenance; purchase of equipment; and/or minor rehabilitation of neighborhood facilities for the benefit of residents of the City of Pittsburgh, at a cost not to exceed \$750.00, chargeable to and payable from Code Account 1103, (110304), Miscellaneous Services, Department of City Planning,' be deleting Allentown Civic Association and adding South Pittsburgh Economic Revitalization Team."

---(SPONSORED BY MR. RICCIARDI)

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Michelle Madoff	Mr. Wagner
Mr. O'Connor	(Pres't)

AYES 9

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Smith presented

Bill No. 3478

Report of the Committee on General Services for November 23, 1993 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3429

A Resolution entitled, "Resolution providing for a contract(s) or for the use of existing contract(s) for the purchase of miscellaneous equipment for use by various City departments."

Which was read.

Also,

Bill No. 3430

A Resolution entitled, "Resolution providing for a contract(s) or for the use of existing contract(s) for the purchase of miscellaneous equipment for use by various City departments."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably

to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Michelle Madoff	Mr. Wagner
Mr. O'Connor	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Onorato presented

Bill No. 3479

Report of the Committee on Public Safety for November 23, 1993 transmitting one ordinances to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3274

An Ordinance entitled, "An Ordinance amending and supplementing the Pittsburgh Code, Title Six - Conduct, Article I - Regulated Rights and Actions, Chapter 607, Firearms and Other Weapons, by adding 'Ammunition', placing prohibitions on assault weapons, and requiring identification for the purchase of ammunition."
---(SPONSORED BY MR. WAGNER)

Which was read.

The Chair:

Prior to discussion, members of Council, I would appreciate if you would indulge with me

for a moment on an amendment that I have just passed out. That I would like to make to bill number 3274.

The amendment is actual a minor amendment, but I consider it to be a very important amendment. For two reasons: In regards to legal reason relating to the bill as it relates to magazines and the capacity of magazines, this has been determined in Philadelphia with there legislation and the other amendment is a suggestion made by Councilman Ferlo last week. I hope is in support of this bill, if this admendment passes. Councilman Ferlo, brought out quite clearly that the language in section 607.12 Exceptions, was not clear. As so to weapons and as to who they were to be held by. So therefore we are cleaning up the language.

The motion I would like to make to 3274 is by changing the following language in section 607.12 Definition sub-sections H, by deleting large capacity magazine and also deleting sub-section K, which is the definition of that and amending 607.12 Exceptions to read as follows:

A. Section 607.08, shall not apply to any weapon accessory or ammunition owned or controlled by the Pittsburgh Bureau of Police or other law enforcement agencies or other governmental body, while in the care of the authorized personnel.

Mr. Cohen:

Motion to amend.

Mr. O'Connor seconded the motion.

The Chair:

Is there any discussion?

Mr. Ricciardi:

If I could ask for a better clarification. I believe that it is self explanatory. But the question that I have is. What is your definition of a Law Enforcement Agency? For example would the include the Housing Authority and the University Police Officer? Also, If I can have a better explanations, does this mean that if you are a Pittsburgh Police Officer that you can use one of these 37 semi-automatic rifles in you line of duty; but you can not personally own one for either your own protection, your collection or your own target shooting. So I have two questions to the sponsor of the bill.

The Chair:

The second part of your analysis or question is correct. A police officer could use one of these weapons, if assigned in the line of duty. But only if assigned in the line of duty. A police officer would have to follow the same rules and regulations as any member of the public, while not on duty. In other words could not own or possess one of these weapons for personal reasons. Mr. Ferlo brought out last week, that the language was not clear in that regard. After looking at it again, he was accurate and that is the reason for the amendment.

Going back to the first question, a governmental agency would be determined by the Commonwealth of Pennsylvania.

Mr. Ricciardi:

I see, thank you.

Mr. O'Connor:

One of the biggest questions I had concerning the bill is.

The Chair:

Is this regarding the amendment?

Mr. O'Connor:

No, this is on the bill?

The Chair:

Any other discussion on the amendment?

All in favor signify by saying aye?
Opposed?

One abstain - Mr. Ricciardi.

WHICH MOTION PREVAILED.

The Chair:

On the bill Mr. O'Connor.

Mr. O'Connor:

One of the biggest questions I have had from individuals, who own these weapons. Is how much time and what do they do with these weapons after the law is passed?

The Chair:

They have thirty days to do one of several things. That is to make them inoperable, to sell or remove the weapon from the city of Pittsburgh. In other words, they could continue to own the weapon, but keep it somewhere else or they could turn it into the City of Pittsburgh Police.

Consequently, if there was a weapon in the City of Pittsburgh, one of the thirty-seven weapons listed that weapons could not be inoperable

Mr. O'Connor:

If they make it inoperable could they still own it?

The Chair:

Yes.

Mr. O'Connor:

Can they keep it on their permits?

The Chair:

Yes.

Any other questions?

Mr. Cohen:

Mr. President, this has been a long process with respect to this bill. We held a six (6) hour public hearing a couple of weeks ago, we had an hour and half discussion yesterday. I think we have heard every argument that there is to hear. Both for and against this bill.

I have spoken in favor of the bill at length and I am not going to do that today. Except for to commend you Mr. Wagner for putting this bill forward and I hope it passes today, just like it did in the preliminary vote on Wednesday.

The next field of battle though, if this were to pass today, is that State legislature and I think that we should focus on that a little bit. Our actions here, and Mr. Wagner certainly by introducing it, has caught the attention of the state legislature. Perhaps the biggest miss statement that we could use on this issue is that the City of Pittsburgh is a Home Rule Charter City.

The state legislature, legislature many years ago, gave us the authority to be a Home

Rule Charter City. That is a very, very misleading statement on this issue. Because in fact, the state legislature is moving forward to take away our ability to rule ourselves. And to take away our ability to pass laws to protect the public safety of our citizens.

If we pass this assault weapons bill today. Then the state legislature will move forward and they will probably do it anyway to pass a bill that further pre-empts or prevents us from passing legislation like this. The bill has already passed the State Senate.

State Senator William Stewart amendment passed the State Senate and now it is going to go to the House. What I would suggest Mr. President, that if this bill passes today. That we send an invitation to those state legislature's who are intending to vote in favor of the bill that takes away our authority to protect our own citizens. That we send them an invitation to come to Pittsburgh, to spend time on the streets of Pittsburgh, walking streets and riding with our police officers, too see what the City of Pittsburgh is like today; and too see exactly what is happening here. To see how the homicide rate in our city has more than doubled since 1990; and how the homicide rate with guns in our city has nearly tripled since 1991.

I am offended at the State legislatures, the vast majority of whom do not represent the City of Pittsburgh. Who are attempting to take away our right to represent our citizens and try to protect their public safety. What right do they have to tell us that we can't take steps to protect our own citizens? I think it is outrageous.

The Bill in the State Legislature is not a separate bill. In it's haste to deprive us of our right to represent our own citizens, the State Senate, as I said, passed an amendment too an amusement park bill. Senator Stewart from Cambria County added an amended to a bill involving the safe

operation of amusement parks. Beside from the fact that, we have all been on a roller coaster ride on this whole issue, I find it pretty amazing that they choose and amusement park bill. Which is suppose to be to improve the quality of amusement parks so that children and youth in the City of Pittsburgh can enjoy amusement parks.

There have been too many killings, of the kids in our City. Even though it is an unrelated bill I think we need to relate it the fact that there have been so many killings of the youth in our city. That it includes killings with guns and it includes in some cases the guns that are proposed to be pass here.

So, I hope that this bill passes again today. Because I think that we are standing up to try and protect the safety of citizens.

What I would like to do when it is appropriate, Mr. President, is to make a motion to send a letter to all the members of the state legislature, as well as the Governor and the Acting Governor to ask them, first of all to opose this bill that is in the State House at this momement. For the Governor and/or Acting Governor, who every it might be, to veto the bill. To invite them all to come to the City of Pittsburgh and try to get a sense of what our streets are like write know.

Thank you.

The Chair:

Thank you Councilman. Let me make a comment and then maybe some additional dialogue. I appreciate you bring up that very significant point. It concerns me greatly, maybe I can shed a little light on it also.

I just want to say in a general sense. That there is no doubt in my mind, that assault

weapons should not be on the streets of Pittsburgh or on the streets of America. They represent one half, of one percent of the guns in the United Sates. There are one million out of two hundred million weapons in this Country. They are designed to kill people, not to kill animals. They were designed and manufacture to kill people. It is very important that we keep that in our mind. They are combat weapons, they were also designed and made for wars, for Country's to fight Wars. They were not made for civilization. They were not made for society.

The kill ratio is staggering. They can kill multiple numbers of people very quickly. With in a matter of three or four seconds a person can walk in that door here and kill the fifty people in this room, with an assault weapon. That is the fire power that these weapons carry.

They are becomming more and more frequent and more and more commonly seen in this city and this country. That was mentioned last week by Director Dinardo.

For all those reasons I think it is important that we pass this legislation. Not only are we seeing in more use today, we are seeing them in place we never saw them before. We are seeing police officers being shot at or being out gunned. Because these weapons are in the hands of the people in the public. I have mentioned the analogue several times and I'll keep using it, because I think it is a very valid one.

State government out lawed fireworks years ago, for a very good reason. They outlawed fireworks because fireworks were causing serious harm, especially to children in this commonwealth. They were actually causing eyes to be inoperable due to fireworks blowing up in front of their faces and fingers being blown off.

Isn't it only right to take away weapons

that do far more harm than fireworks do in this Commonwealth. An interestingly enough, I think the only group that was against the banning of fireworks, were firework manufactures.

Well the big misnomer in the assault weapons issue in this country, is that the group that is truly behind the NRA is the manufacture of the assault weapon. They are the people that are making million and millions of dollars, putting these weapons of death on the streets of America. And that it is really the issue in front of us. That a group of people for profit motivated reason are behind a very complex lobbying effort in Harrisburg, presently and throughout this country presently, for profit making reasons. We all know that, its not mentioned enough publicly, but we all know that. We really know were the lobbying effort is coming from in terms of assault weapons.

I am glad Mr. Cohen brought up bill number 185. Due to what has happend in Philidelphia and hopefully what is going to happen in Pittsburgh today. The NRA, with the rifle manufacture, the gun manufacture behind them are scrambling like they never have before in the State of Pennsylvania. To get a law passed to ban or prevent all municipalities, all counties, anyone below Harrisburg from passing any legislation banning any kind of weapon or sale of any kind of ammunition in this Commonwealth.

As Councilman Cohen indicated it has passed in the Senate. It's going to come up on the floor of the House, as possibly as soon as next week. Our representative, Representative Itkan has done an excellent job from keeping reaching the floor. He can't keep it any longer, because the NRA is lobbying with not hundreds of calls but with thousands of calls to every single State Legislature in the Commonwealth.

One of the biggest battles is brewing in Harrisburg, that we have ever seen in the history

of this Commonwealth on the issue. Because the NRA and the gun manufactures feel if Pittsburgh passes a law other municipalities are going to follow suit. Before you know it a state law is going to have to be passed to ban assault weapons, it's that simple. That's really what is happening in Harrisburg.

All of us have talked at great levels, about what we need to do. The fact that people at higher levels of government have not done. Something needs to be done on this issue and other crime issues. I think everyone in this room agrees on, actually.

We can send the strongest message we have sent in sometime. In regard to what Harrisburg should do on this issue if we pass this bill today. That is basically, what I am asking my colleague to do. All of you have stood behind me on many issues and I have stood behind you many issues as it relates to crime. Everyone of us, believe in our heart, that this is the number one issue. We know crime is the number one issue. Violence is the number one issue. It's not a top down approach occuring in this Country to deal with it. Therefore it has to be a bottom up approach. This is again one very strong way in which we can send a very strong message in regards to this issue.

Mr. Ferlo:

Mr. President, even though, you and Mr. Cohen have succeeded in creating a stage that if you vote against this bill, your voting against motherhood and apple pie. I just want to add a couple comments from last week discussion and I'd like my comments brought forward.

(REMARKS ON FOLLOWING PAGES)

(BEGINNING - MR. FERLO'S COMMENTS ON BILL NO. 3274, TUESDAY, NOVEMBER 23, 1993)

Mr. Ferlo:

A couple issues and then I have some questions to Mr. Wagner.

I do appreciate the fact that you had spent a lot of time and energy and I applaud everybody's participation in the debate at the public hearing and it's quite obvious we have an emotional issue and at times I'm not real sure what it is that we're talking about because we can go on and on about the emotionalism including some of your speechmaking just now and I'm trying to focus in on whether or not that speechmaking directly relates to looking at the problem and whether or not this bill actually is going to impact on what we think the problem is. Personally, until this country begins to deal with the economics of drugs in the disadvantaged community particularly the African-American community, we're never going to look seriously at dealing with the problem of guns and violence and we keep running from that issue and in way this bill is running from that issue. The issue really isn't law-abiding people owning various kinds of weapons. The problem is that we have drugs and an economy and in a community where the rate of profit is such and the social impact of lack of employment and other kinds and such that we have a major problem and we keep running from that locally, nationally at state government but I'll set aside that whole debate and I think this government should seriously start talking about the decriminalization of drugs in this society. That does not mean I support drugs but until we look realistically at the economics of this issue and how it's affecting the community and look at the use of violence and guns, we're just running from the issue. And we can talk about anti-drug loitering in this bill and a lot of other stuff but it amounts to nothing more than a placebo as far as I'm concerned.

What you just said and Chief Buford and others, how does this bill directly relate to what you say is the problem? How is this bill going to impact on the violence that you're talking about? That's what I'm trying to grapple with.

Dir. DiNardo:

I thought I clearly stated that the statistics that I stated and I believe what Chief Kennedy talked about there were very minimal involvements of assault weapons in them. What I'm putting forth though is that unless there is a control of the distribution of those assault weapons sold legally to good citizens, they eventually wind up in the hands of criminals. That these numbers are going to change dramatically because of

that saturation of that type of weapon into the public. So the point is if we stop it now --

Mr. Ferlo:

-- is it totally from stealing from a home and that sort of thing?

Dir. DiNardo:

-- or bought through a front man or through the black market or however --

Mr. Ferlo:

-- but you're not creating any illusion to this Council or to the public that if we pass this bill that somehow people who already have ill will and are acting with a criminal intent are going to do whatever the hell they want. You're not going to convey that.

Dir. DiNardo:

I'm not saying that at all and in many cases I'm supporting what you're saying and I think the reaction of all levels of government at this point is to try to have a quick fix up front. Try to figure out how to hire more police officers, how to ban assault weapons, how to come up with anti-drug loitering things. All of these instant fixes that can be put in place by local government are reactions by the people that you all represent and are represented by other elected officials. The long-term issue though can only be addressed by what you said.

Mr. Ferlo:

Let me ask you some specific questions and I guess at this point I'm still inclined to abstain on the bill but I want to ask some specific questions to Mr. Wagner.

On 607.08 in your bill Mr. Wagner, if you don't mind this dialogue in terms of getting at some questioning. You had made reference that what the intent of the bill is to have these weapons ultimately surrendered to the Pittsburgh Police. You gave a number of options but one of them includes the surrendering to the Pittsburgh Police. Maybe that is unrealistic and it may not happen but the concern I have is and there was a story recently about the State of California getting rid of guns that were seized with drug deals and only to be found on flea market stands in Texas being sold because somebody bought them at an auction in California. What is the policy and is there a reason why we don't talk about the total destruction of those weapons when and if they actually get into the hands of the Pittsburgh Police?

Mr. Wagner:

We do once they get into the hands of the Pittsburgh Police, we do destroy them. That is the policy.

Dir. Dinardo:

That's right. Technically they are escheated to the state. They're the state's property when we confiscate them. The state will take long guns from us, rifles, hunting rifles and they auction those but we destroy through court order every handgun.

Mr. Ferlo:

Under this bill and the way it is written and it's one of the concerns I have, if conceivably and although I don't think it's going to be the case because anybody that owns a weapon of value I'm sure is going to find some other way to deal with it and I don't think they're going to make it inoperative as the bill suggests so I think they're going to sell it at the next flea market before the bill takes effect. But assuming it does and the police acquire it, is that gun destroyed? If one of those weapons that's mentioned, is that gun melted down?

Dir. DiNardo:

We would destroy that gun.

Mr. Ferlo:

It's not going to end up at an auction.

Dir. DiNardo:

No.

Mr. Ferlo:

On 607.10 on the recording of the sale of any and all ammunition, I don't understand the bill. Are you saying at one point that any ammunition for legitimate hunting purposes is all right but are you also saying that there would have to be the record keeping for that ammunition?

Mr. Wagner:

What I'm saying is that any ammunition sold, any kind for any purpose --

Mr. Ferlo:

-- including those guns that you have allowed under this bill.

Mr. Wagner:

Any kind of ammunition sold for any purpose, an individual would have to give identification to purchase that product. The person would have to be 18 years of age, the person selling the product would record to whom it is sold, the amount and the type.

Mr. Ferlo:

On 607.12 on Exceptions, what is the rationale for excluding a large class to the tune of several thousand people and their families? Why are you creating a separate class for police officers, housing authority police, Pitt Police, Port Authority Police or any other police agency where you're allowing them to have these weapons? What is the logic of creating this?

Mr. Wagner:

For precisely the reason that the Chief indicated. That if they see the need for the use of a more powerful weapon to fight crime, we need to give the police the authority to have that and that is not City of Pittsburgh Police, it's any legitimate policing agency, governmental agency within the boundaries of the City of Pittsburgh or anyone that works for such an agency that may live or have to work in the City of Pittsburgh.

Mr. Ferlo:

The way it's written it implies both. It implies -- what is written is not exactly what your characterizing it. You're saying if it's a legitimate gun that's authorized it's all right and I'm not disputing that. The way I read this it basically says independent of the assigned gun of choice whether it be a semi-automatic or even one of these weapons, you're allowing all these of individuals to also own and handle these other weapons.

Mr. Wagner:

I'm saying for the purpose of policing and policing only.

Mr. Ferlo:

Last question. The definitions. I know you extracted some of that from the Philadelphia. We didn't really entertain a lot of testimony about all of the specific weapons. You have like 30 or 40 specific weapons that you would now ban and I

understand you took a number of things out that related to just actual hunting kinds of activities. What is the rationale for those -- I don't know a lot about these weapons. Was there some rationale -- are all of the available weapons is it one class, is there a reason why it's not a more exhaustive list? What is the rationale over this particular list of assault weapons?

Mr. Wagner:

The rationale behind this particular list is that these weapons are technically classified as assault para-military type weapons and are the weapons known to be available to the public. For instance, the number one -- a shotgun with a revolving cylinder known as the "Street Sweeper", a semi-automatic shotgun. These weapons have never been classified as being hunting weapons. They are designed for kill ratio and that is the reason why at the earlier part of the meeting I asked Chief Buford if there's something not on the list that should be on the list that would fall under the classification of not just firearm but offensive military weapon that needs to be included, he would need to give us that. Now what is happening though in states where this legislation is passed, manufacturers are coming out with changes to the styles of weapons and as quick as they change them the legislation has to be altered to include them. Manufacturers are making a lot of money on these very stylish weapons that are sold today.

Mr. Ferlo:

So this is your rendition of what the available market will bear of the assault weapons as you have described. There may be some others and others may come on the market but this is your best guess as to what should be included.

Mr. Wagner:

Yes. It's more inclusive than the United States Senate which has less than 20 listed in their assault weapons list.

Mr. Ferlo:

I'll defer to my colleagues.

(END OF COMMENTS)

PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

Mr. Ferlo:

I share in the passion, but unfortunately in relation to this bill I think we have passion. But we don't necessarily have passion with any reason with any common sense or any focus. Despite the comments Mr. Cohen not withstanding, we could pass all the gun control bills you want including this one. It's not in my belief and I am only speaking of my interpretation and belief of what's going on in the streets.

It is not going to have any impact on what's happening in terms of the major problem that we have in the City. Of young people using weaponry, which easily does not fall into this category. In fact, overwhelmingly it's not in this category. It's in 9mm, semi-automatic and other kinds of hand gun weaponry. The bill lacks focus. Because it diverts attention away from at least four or five other significant problem areas.

That is the area of sentencing in this Commonwealth as it relates to the crimes code. It's diversion there because it doesn't deal with the issue of a realistic jail capacity issue, for which we have struggled with for over a decade in terms of this County. We still are really not at the numbers and do not have the capacity that we're going to deal with. That we need to deal with realistically over the next decade. Its diversionary lacks focus, because it doesn't deal with the issues primarily which is effecting our City and Philadelphia. That is the issue of youthful offenders.

The fact of the matter is we need to focus our attention and whatever prerogatives we have locally or the state legislature and get rid of this antiquate notion, of what constitute youth in this society and urban ninties.

Fact of the matter is we have young

people. So called you people who maybe 12, 13 and 14 years old. But at the point at which the use a weapon and take another person life, rather it be another gang member, police officer or some innocent by-stander and to go into the criminal justice system. That treats this so called young person as a youth is absurd. This is something fundamentally that we have to address. If you want to deal with a deterrent to the crisis that we have in the City, I think we have to get realistic about reforming the court system, the crime codes and getting legislature to wake up and join the ninties on what's happening in our urban areas.

We also, in fact do not have a anti-drug war policy. We have a policy that creates a war on the victims of drug abuse. It's a backward policy and it is creating the economic frame work for young people. Especially the disadvantage and the african american communities. Who look at this as the easy way out in terms of generating income.

If this country, doesn't stop running from the fundamental issue of looking at the profitability and the economics of the drug trade in the urban areas and within in the African American community inparticular. I think we are continuing to have our heads in the sand in this city, this country, even internationally. We running from the central issue of why we have the so called drug crisis that we have.

In a simple little issue that I learned recently. That we have a permitting issue at the Sheriffs level, which doesn't even list or register the gun. You get a gun permit, it's a permit given to the individual and in the permitting your not even assigned or there is no record keeping of what is the particular gun that you have. Be it a hand gun, assault weapon or any other type of gun collector's may have. It would make sense, if we could have more impact in terms of investigation and doing follow-up on hand guns

and other weapons that are stolen from homes and then used in some type of criminal setting.

We also, have in a weeks time, since the initial vote, passage of the Brady Bill. What I have always said makes sense, because at least its uniformity. Its a national policy, which is what we need, not just these local law and ordinances. It creates a five day waiting period, which I think is reasonable waiting period.

I think Mr. O'Connor, jokingly said that, as long as it five days prior to the hunting season you will be alright. I don't think it's any big deal for people to have a five day waiting period as a matter of sane and national policy regarding the matter with hand guns in this society.

So, I still have reservations with the bill. I respect the fact that you have taken a lot of heat and I appreciate your boldness in fighting this battle in bringing this issue to the floor. But I respectfully have concerns and continue to have concerns. The bill still deals with 99 percent of the people that are law abiding citizens. That have ever right to own what every gun they want to own. The problem is the people that who have ill will and use guns, and whatever the gun. There is a greater problem with a handgun then these so called 37 assault weapons that you have eliminated.

So, I still respectfully continue to have some reservation about the bill and I respectfully will be voting no today.

Michelle Madoff:

You know, I am hearing what is like deja vu. I hear the same people arguing the same side of the coins. Everybody knows that this bill is not a panacea. But if it were your kid, your family, or yourself in the line of fire. You would say why didn't I get that gun off the street. It's only one little step in the right direction.

Let's face it, we voted today to go to court, because we feel that we shouldn't be paying astronomical sums of tax payers dollars to somebody who is found with drugs, a weapon and really caused his own lost of a limb.

We vote and we scream constantly. About all kinds of things that we need to take care of, yet and I support your effort Mr. Ferlo on your youth program. I think your right. But that doesn't mean that just because you have a right and that you shouldn't have a left hand or thumb, you should have fingers. We have got to look at the whole picture.

I think that it is very obvious that NRA has lot's of money. They are a big, big, big multi-million dollar lobby and their job is buy a vote today. Go to Harrisburg and by a vote of a legislature. Why did the NRA not object to getting rid of fireworks, because fireworks didn't effect them. They couldn't careless if a kid lost an eye, it wasn't their issue. They wouldn't have objected to stopping fireworks because it didn't stop the fish and bunny boys.

The fish and bunny boys, are not going to be deprived of their guns to go hunting to shoot skeet. This is misleading, if anybody beleives for one minute that this bill, the assault weapons bill that we vote on today, and I hope it will pass. Will in anyway, infringe on the rights of the NRA, are out of line. One has to wonder who is behind the NRA and the great scheme of world interaction and warfare. When they say keep guns in everybodies hands. This is your right to bear arms. It isn't a right to bear arms, when you go out and shoot my kid. It boogles the mind, if any body would say that they are not going to vote for this because you didn't give me anything else. Because judges are letting people out on the streets and we don't have enough jails. Does that mean we should allow guns that don't belong on the street, that belong in war out on the streets. It

is absolutely inconsistent.

Again, I want you to keep in mind how you are going to be perceived. We know that Philadelphia has already passed this bill. We know that it is being challenged. We know that as Mr. Cohen has stated, very distinctly. That we have a home rule charter that we should be able to fight in court if we have for the privilege of protecting our kids and our citizens. And that will also no that again the NRA has multi-millions of dollars to buy votes. I am in know way saying that my colleagues have succumb to that. I think that what they are succumbing too is the vote in their communities. That say I am a member of the NRA and I am just a good old fish and bunny boy and I'm a sportsman and I want the right hold my gun.

I want you to think please, pass that. Because if I were somebody in the community and my kid or somebody in my family was killed by an assault weapon. I would take the funeral parade pass the house of the Councilmember that didn't vote to get those guns of the street. I think that's a pretty terrible thing to say, but I really think it needs to be said.

Mr. O'Connor:

Just to echo some of my colleagues. I'm supporting the bill, but I really learned alot in the hearings and I was really suprised at how many members who are opposed to this bill, yet don't oppose the Brady bill or some restrictions.

So, I think there is a big difference between the average person on the street who want's to hunt and fish and have guns, opposed to the bigger NRA picture and as you said Mr. President, as I'm looking at and you have opened our eyes. It's a question of the manufactures, who I think misguide and mislead a lot of these members. For example, if anyone can't wait five days to have a gun, that is ludicrous. But their

fighting it on a national level, but yet every individual I spoke with, that is a member of the NRA, basically agree with the Brady Bill. But the manufactures are so afraid that if they give an inch they are going to lose some money.

That's what the basic thing that we are doing here. I think we are sending a message to our leadership in Harrisburg and Washington that something has to be done. We are not going to tolerate it anymore. I know we have a hearing, Friday coming up with some members of the state representatives. I think as Mr. Ferlo said, I think the real answer is mandatory sentencing for people who are committing crimes with gun, illegal guns. I think, once their friends go away for a couple of months and don't come back. Maybe these young people will learn that they should't have guns.

So, I think this a right step, a small step in the right direction. That we need more support from all government's to put a stop to this. It's ludicrous and I support the bill.

The Chair:

Any other comments

Mr. Ricciardi:

First, I like too say, your efforts and hard work on this bill are noble. However I believe they are misguided and just dead wrong. I stated my position last week in depth. I thank Mr. Cohen who chaired that meeting, who gave us all an opportunity to have dialogue on it.

I belive that if this bill passes today, or should I say when this bill passes today. That we are going to make a group of law abiding citizens in the City of Pittsburgh outlaws. Because if this bill passes today, it mandates that those guns be made inoperable or turned in to the chief of police or removed from the City of Pittsburgh and that's

not going to happen. I believe the large amount of law abiding citizens. Who own one of these 37 semi-automatics are going to keep there guns in their homes. Unfortunately, for example, if someone breaks into their house or steals this gun and the gun is used to defend their families and their personal safety, that they now will be able to be brought forward on criminal charges. I think that's sad. Because there is know way that when this bill passes today, that a criminal out their, a fallen one who is intent on breaking the law, Is going to make their gun inoperable.

Mr. Wagner, when I first approached this bill, I looked on this on different fronts. One colleagues was the gun itself, the second was the intent and the effect of the bill and the third was actually how the bill was to work or play out in the City of Pittsburgh. The gun itself, the 37 semi-automatic riffles that we are looking at, are just that. They are semi-automatic riffles, there not automatic riffels. Automatic riffles and guns are banned here. Not only in the City of Pittsburgh but in the nation. And these guns have never been used in warfare for that reason, there semi-automatic and not automatic's.

I will conceded here that guns do have a military like consturction. The exterior , configuration itself, is not only threatening and menancing, however it appears to be a military like gun. However, there not automatic's and they were never used in warfare.

The intent of the bill, I belive is to reduce the murder rate in the City of Pittsburgh and possibilly in the County itself. But if one looks at the statistics, obviously one murder, any murders is one too many here in the City of Pittsburgh. But if one just looks at the statistics, only three murders out of seventy in the City of Pittsburgh, these type of weapons were used. Matter of fact, if one looks at the statistics, I believe possibilly three maybe four of the guns were used in a crime here in the City of Pittsburgh, the other thirty

were never used.

If one then follows that logic though, it's a twisted logic too me of the people supporting the bill. Saying we are removing them in order to reduce the violence here in the City of Pittsburgh and the murder rate. Then we should really look at the other 63 murders and how where those committed. Those murders were committed by revolvers, not even semi-automatic pistols, but revolvers.

So using that logic of our department of safety and some of my colleagues, why don't we outlaw revolver in the City of Pittsburgh. We know the reason, the District of Columbia of Washington did it. We see what happened to Washington, D.C. were all hand guns and pistols are outlawed. It's the murder capital of city in the nation.

I believe it will have no effect, if we remove these guns or make them illegal here in the City of Pittsburgh. Matter of fact it might even send out the wrong message to law abiding citizens. That is that now the streets are safe, because these so called assault riffles are removed. But the way the bill will work and I have stated it. I just do not see people not purchasing these guns for criminal activities, because they are illegal here in the City. I just don't see that. Please remember what the fire power of the guns are. They are semi-automatic riffles, right now in the Commonwealth we have one million, one hundred thousand hunters out there hunting deer and they are using semi-automatic riffles. Matter of fact riffles that are more powerful, than one of these 37 that are listed.

As one of my colleagues, I believe Mr. Ferlo had pointed out that if someone comes into this room with a 9mm semi-automatic that would do just as much damage as these riffles.

If you listen very closely to the public hearing, you would see all the speakers, both the opponents and proponents of the bill. Really focused in. The majority of the speakers really focused in not on the gun, if you review there testimony, but on the criminal and they showed their frustration not as much on the law maker but on the judicial system. That's where I think our efforts have to be worked on, that maybe it is the judicial system.

Let me state for the record, however, that I do support certain gun controls measure here in this nation. That is the Brady bill, other laws that are on the books, laws that make it illegal for someone to convert a semi-automatic to an automatic weapon, laws that ban felons from possessing these guns, laws that ban people from sawing off the barrel of rifles and shotguns, laws that ban minors from possessing these guns. And I took it a step further that I would support some sort of laws or restrictions, that would force people to be certified with these types of weapons, the weapons they want to purchase and own. Law that force them to have some sort of license for any type of weapon that they want to possess or own. Even to take it a step further, I have heard some discussion across this nation, a law or some sort of mandate that would force people to actually take out insurance on there type of guns that they either possess or own.

But I would feel very uncomfortable telling, collectors in the City of Pittsburgh. Telling people who enjoy target shooting with these types of guns in the City of Pittsburgh. And tell others that believe that this is the gun of choice, that they want to use for self defense in their home for personal safety. That you cannot own this weapon. I feel very uncomfortable in doing that, I am voting no on this. Let's not make our law abiding citizens here in the City of Pittsburgh an outlaw this afternoon but voting this up.

Mr. Onorato:

First, let me start out by once again thanking you and your staff. I know you and your staff, spent a lot on the bill bringing it in front of us. Councilman Cohen characterize this bill as a rollercoaster and it sure has been, and I know for me especially. From months ago when you first came to my office and showed me the bill up through the letters for and against, up through the public hearing and also since last Wednesday's preliminary vote. I think it's a common knowledge here, at least with the majority of my colleagues that I personally have a problem with the bill for and against it.

Because on one hand, I believe we have to do everything we can to stop the crime in the City of Pittsburgh and the Urban Areas across the country. I know Councilman Wagner, supported me on every effort. Be it the anti-drug loitering legislation. You support us on that, increasing the police to the highest level probably in the last ten years, absenteeism of landlord problem, property legislation, curfew, boot camp and what every we might need in the future you have been there with us.

The problem I see with the bill is that it doesn't address the vast majority of the problems, crimes with guns in the City. Be it, the handgun shootings we have, either in schools or with drive by shootings and handgun or just handgun in general.

What I have had the privilege of doing since last Wednesday. Being it the holiday weekend, spending Thanksgiving with a crew of about thirty and bouncing this bill off of them and just hearing from the average citizens and then going to about four meetings on the North Side. It is very clear to me that the average citizen on the North Side and that probably could be applied across the City. Is that they look at this bill and say the semi-automatic weapons is not going to

solve the problem we have in the City. The one thing that came out and it was unanimous over and over again, was addressing the actors that use the guns. Be it the guns that your trying to outlaw or a pistol. They keep on asking about the anti-drug loitering, a curfew for the youth. Why cant we have a boot camp in the City of Pittsburgh? Why can we put these individuals away that use a gun? I don't care what age they are, be it 10 years old or 9 years old. That's what constantly keeps coming up. I think that's what we have to continue to work and strive for here in this body.

The State law that is currently in front of the legislature, I would agree with both Councilmand Cohen and Council Wagner that it's an outrage. I think that we should have the right to pass the laws in this municipalities. The issues now, is this particular law in front of us. I think Harrisburg, has consistently avoided the issue of gun control, gun regulations, what ever word you might want to use. I strongly support the Brady Bill, I think a five day waiting period is critical. It probably should go a little further. We need more in for the form of registration requirement and also, the possiblity of providing insurance for individual that buy guns. I am sure that there are a lot of other ideas.

One thing that I, you make clear is though, is that the lobbying even though it seemed to be accessive and this picked up a lot of media coverage, It has been relatively split. It isn't that one side is pulling more than the other. But I think the lobbying is more to fact that people that are in favor of this bill, they want to see action. Not so much as they want to see this bill, they just want to see action of dealing with these particular kinds of criminals.

I personally have a hard time with banning a weapon that I don't preceive as the problem in the City of Pittsburgh. I realize Councilman Wagner that you feel very strongly about this and that concerns me. Because I have

been listening to the arguements back and forth. Even last week I hesitated with my vote to go forward and I have my concerns.

At this point I still think it is very critical, that what we should do is revisit the anit-drug loitering and the curfew immediately. That's why today I introduce legislation that specifically deals with youth offenders in the City of Pittsburgh and alternative sentencing. We will be discussing that in about seven days, next Wednesday, and that's going to go to the heart of the problem. It will address every individual that uses a hand gun, a riffle, semi-automatic, automatic, what every the weapon might be it doesn't matter. The bill will address the individual using the weapon, regardless of this bill or not.

So, I do have serious doubts about this. I once again, want to thank you for bringing the issue forward. But at this point I think I will have to say no to the bill.

The Chair:

I just want to respond to several of my colleagues and hope that this bill passes. I can atleast sense that there are three people opposed to it. Some of the comments that were made, Councilman Ferlo saying that it makes no common sense and that there is a diversionary piece of legislation. Also Councilman Ricciardi saying that it is misguided and dead wrong.

I would suggest that if we don't pass this bill, then Councilman you will be dead right. By people dying in this City.

Councilman Ferlo indicated that both Councilman Cohen and I, and I suspect Councilwoman Madoff, that there is a little bit of passion behind this issue. I really believe that there needs to be some behind, around this kind of issue. There is not a member of this Council that doesn't disagree that we need a stronger

judicial system. That we need greater capacity in the jails. That we need stronger sentencing of criminals. For youth offenders we need to prosecute them many times as adults for serious crimes. There needs to be a more sophisticated war on drugs.

But the fact still remains, that there is more fire power on the streets of this City, then every before in the history of this City. And it continues to escalate and the questions is are we going to due anything about it? Are we going to stand up and be counted and do anything about it, within the legal frame work that we can do something about it. If the NRA could have it, there would be laser guns in the hands of people. Maybe there be an atomic gun developed some day and they will be against outlawing that also. Simply, because it is a weapon, what the Constitution said in the second admendment. But when the founders of the Constitution wrote it over 200 years ago. There was no idea that the types of weapons that are on the streets today, would be on the streets in this country. It was 13 colonies and 3 million people living in the wilderness. Now we are a civilization or suppose to be a civilization and we have to carry assault weapons that were design and made for war.

Well I don't know, I think we have big time problem. I have never said this is a pancea to address the problem. As far as crime and violence go in this country and in this city, it is the number one problem. It's raining outside with the crime problem, with the violence problem and all this is, is an umbrella. I have never professed it to be anything more than that or any of the bills that any of you have every presented and I have supported.

But, I think it's a very important piece of legislation and it is a very important message that we can send. True Councilman Ricciardi these are semi-automatic weapons. Believe me with a very little technic they can be converted to

automatic weapons. An M-16 was designed to be a semi-automatic and automatic weapon. I carried one, I know it, it has a flip switch on it. If it doesn't have a flip switch on it, you simply put one on it and it become an automatic weapon. I can't stress enough that I believe as a legislative body, we should be addressing this issue.

We have regulated driving and who is a safe driver and who is not a safe driver. Because people that are not safe, kill people. We have regulated smoking in this City and to some degree nationally and Statewide. We have regulated drinking. But, we won't touch the issue of assault weapon. Actually I can;t say anymore about it. Because I think I've said everything I can say about it. All I know is that they kill people and that they were designed to kill people. I can't be any simpler than that in my analysis of this issue. That these weapons are weapons of death, designed to kill human beings.

Finally, I just want to thank everyone for their input on this issue. All the people at the public hearing, I thought the testimony was excellent, both for and against the legislation. Many of the amendments have been suggestion made by both sides and as I indicated at the start of this legislative process on this bill. That I was open and receptive to amendments, to make sure that people that have guns that are concerned citizens.

People that have guns that are not assault weapons are not harmed. That hunters throughtout this Commonwealth today, there are millions of people out hunting, this legislation does not impact them. People that want to carry a hand gun to protect themselves, this legislation does not impact them. They can still do that. We are just talking about one million out of two hundred million weapons in this country. I like to see the federal government stand up and be counted on this issue, they haven't done that. I like to see state government stand up and be

counted on the issue. But we can send the strongest message we have ever sent from this City in regards to firearms today. It would be great if we could do it unanimously. If not if we could do it successfully with five or six votes, I would be delighted.

Finally I only ask all of you, as I said originally, let your conscience be your guide on this issue.

Mr. Ricciardi:

Mr. President may I speak again?

The Chair:

Yes.

Mr. Ricciardi:

It will only be for 15 seconds. Thank you.

Mr. Wagner, it is already obvious illegal to convert any type of hand gun. Be it a hand gun or rifle from semi-automatic to automatic. But just let me state and its not just as though we are putting up chips here what the murder rate is going to be. But as you said that I'd be dead right if these riffles are not ban. Once this bill passes and I sense this bill will sadly and I do say sadly, I think we all agree with that. The murder rate in no way will be decreased because of this legislation we pass today. Unfortunately we will become aware of that in 1994.

The Chair:

I strongly disagree Councilman. We will decrease the potential of increasing the crime in the murder rate in the city. That's all I have every said and that's all I every intended this bill to be. But more importantly if other municipalities around us, pass the same legislation. Maybe a similiar kind of bill will pass in Harrisburg and

we want see any assault weapons in this Commonwealth.

Mr. Darkins:

I have to talk about this today. Mr. President you have done a very good job in presenting your legislation and you have worked very hard on this bill. I really came in here today, to change my mind today, because I asbtained. Yet some drama, in regards to mixed emotion. The bill is a good bill and it will slow down the sale of guns. After slowing down will still have our same problem and that problem is crime. But I definitely want to commend you on a very good piece of legislation that you have brought forth.

The Chair:

Thank you Councilman.

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Smith
Michelle Madoff	Mr. Wagner
Mr. O'Connor	(Pres't)

AYES 5

NOES 3

(MR. FERLO, MR. ONORATO AND MR. RICCIARDI VOTING NO)

(MR. DARKINS ABSTAINING)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

MOTIONS AND RESOLUTIONS

Mr. O'Connor:

We always spent so much time discussing crime and everything. We had two mile stones in the City over the weekend. One, which we started hear in council exactly a year ago to put extra beat cops on the City. And take CD Monies and put it in our own neighborhoods and we put seventy cops in that way and the Mayor put another 18 on. So officially this week 88 neighborhoods in the City of Pittsburgh will have a beat police officer in the streets right now. I would encourage the neighborhood groups and the community groups to work with that officer to make their neighborhood alot better and safer.

On the other hand I must thank Council who lobbied our State Senator and our Congressman. Last week the cap on the CDG went from 15 to 20 percent. Allowing us 1.2 million dollars to go to social programs for this year. So, I must thank Council for supporting me on that and lobbying our two Senators. I received letters from both over the weekend. I am sure the all councilmembers did, that it was approved. The City of Pittsburgh, was only one of three Cities to recieve this special grant. I think the Mayor's office is to be congratulated. Dave Farley worked very hard lobbying for it.

I know a lot of organization that we fund and support are very happy to see that they won't be cut and that there will be funds for social programs.

So all the strong language and things that we have been doing as a council and an adminstration to make our streets safer is coming to reality. Also, we have money their for social programs that are badly needed. I just wanted to thank everybody involved and I think it is very good news for the City of Pittsburgh.

Mr. Smith:

Quickly, City business. This Council has over the years began to permit part-time employees with the City of Pittsburgh. There are rules and regulations, and it has come to my attention that in the Finance Department they have interpreted article 22, subsection F thru H as employees may not work more than 50 weeks or 1500 hours. What has recently occured with these employees, many of whom have spent years with us in the part-time basis, without benefits. Is that they were recently told, that even though they have not reached the 1500 hour cap on their ability to be employed by the City. They presently must take two weeks off. For someone who has no benefit package. Who is dependent upon a days work. Who is not paid when the city has a holiday and that Christmas is coming up, this is very difficult to anyones budget to lose a half of month's pay with no notification prior to this.

I would like this council to ask the Civil Service Director, Director of Finance to please come to a post agenda to discuss, hopefully tomorrow, to discuss this interpretation of why we are doing this to employees. We just listened to the City budget, we have moved even more employee into this status. We have an obligation to protect the rights of our employees. We have a right to review and look at the morale and what it does for the employees. Because we authorized the monies to be available to pay them for 1500 hours.

So, I am asking my fellow council persons to please back me on this, we need to address it fast. They have already been required to take one week of this forced two week vacation before Christmas. If the monies was appropriated, if it is there and this one sentence that says (Part-time employees shall work 1500 hours or less and shall work no more than 50

weeks of any calendar year. We need an interpretation, both from the legal department also. We must protect this class of employees that we keep moving more people into. Before it gets out of hand. If it is not done across the board for every department and every part time employee, than we become the culprit in funding part time employees and not protecting them as citizens of the City of Pittsburgh.

Mr. Ferlo:

I second the request, Mr. President.

Further I would ask that we have the Finance Director here also in addition to Personnel. I think it's a question on how that department is running. I concur whole heartedly with Councilman Smith comments. I am sure I am not the only one, I am sure other Councilmembers have recieved calls from these employees. I think it is an abuse of the intent of the as needed position. It just doesn't make any good sense in terms of a hard working employee,

that we owe a lot of credit too for their jobs. I think that it is abusing the as need policy. I think we need to get down and try to remmedy this situation and try to do it as expeditously as possible.

The Chair:

Is that a form of a motion for a post agenda tommorow following the standing committee meeting.

Mr. Smith:

Yes.

Mr. Ferlo seconded the motion.

WHICH MOTION PREVAILED.

And on the moiton of **Mr. Cohen**

Council adjourned.

MUNICIPAL RECORD

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Municipal Record

ONE-HUNDRED TWENTY-SEVENTH COUNCIL

JACK WAGNER President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON-WASLER.... Asst. City Clerk

Pittsburgh, PA
Tuesday, December 7, 1993

PRESENT:

MR. COHEN	MR. ONORATO
MR. DARKINS	MR. RICCIARDI
MR. FERLO	MR. SMITH
MR. O'CONNOR	MR. WAGNER
	(Pres't)

ABSENT:

MICHELLE MADOFF

The Meeting was opened by the recitation of the Pledge of Allegiance to the Flag of the United States of America, and a moment of silent prayer for peace throughout the world.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Ferlo:

I'd like Bernie Cuschko from the Allegheny County Bar Association to come forward.

Mr. Ferlo presents

No. 3554 WHEREAS, the Allegheny Tavern Association, representing members in thirteen counties in Southwest Pennsylvania, is supporting H.B. #1960, which prohibits any cable television service provider from levying any additional user fee, tax, or service charge for any event shown on a channel included within a cable television service which has been paid for by a subscriber; and

WHEREAS, the majority of the liquor licensees in southwest Pennsylvania are "Ma & Pa" type operations, with a very small gross income, and the levying by KBL of a per-seat charge to watch sports on television, would be economically devastating to them; and

WHEREAS, there is currently federal legislation in Washington, R.R. 1988, that if passed would prohibit cable companies from raising fees arbitrarily, and would authorize the Copyright Tribunal to establish fees that business owners could afford while protecting the copyright ownership rights of the sports teams; and

WHEREAS, there are a number of hotels, motels, nursing homes, hospitals, car repair shops, and even barber shops that use cable television as a way of enticing consumers to choose their particular business; and

WHEREAS, because tavern owners will be seriously hurt by KBL's proposed price gouging, many of them will cancel their KBL subscriptions causing KBL's advertisers, the Pirates and the Penguins to needlessly suffer.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh supports the Allegheny Tavern Association and urges our State Legislature to enact Housebill No. 1960; and

BE IT FURTHER RESOLVED, by the Council of the City of Pittsburgh that the Clerk be directed to send copies of this Resolution to all state representatives and senators who have constituents in the City of Pittsburgh.

Mr. Ferlo moved to adopt the resolution.

Mr. Darkins seconded the motion.

Which motion prevailed.

Mr. Ferlo:

Mr. President, I would ask that a quorum be present. Members of Council, thank you, and to the public, I would like to introduce Bernie Cushko, Executive Director of the Allegheny County Tavern Association which is a direct service as well as an advocacy group for the small business community made up of the tavern owners and members throughout Pittsburgh and the southwestern PA area. I know my Council district is probably not unique; I have several hundred taverns from very fine bars and restaurants in my district. They are small business people. Any small business person

today running a business has a hard time. There is an extra burden often times on tavern owners. Its a difficult job out there. We are not talking about multi millionaires - we're talking about people that provide employment and who are very much a backbone of the viability of the neighborhood business district and I think here's an opportunity that we have in this Council to show support for an issue thats dear to the heart of the tavern association, and quite frankly, dear to the heart of many consumers. I think it is morally repugnant what KBL has proposed to do and I fully support and hope this Council expresses its concern on this issue. I think we pay enough as consumers to TCI. Personally, I think a lot of people feel as I do that the advertisers who make their money should pay us to even turn the television set on to see their ads. The fact of the matter is that people should not be charged above and beyond the fee, especially per bar set or per restaurant seat as is the ridiculous request from KBL. At this time I'd like to introduce Bernie.

Bernie Cushko:

First of all I'd like to thank Councilman Ferlo for initiating this action and the cooperation of Councilman Wagner's office and Jack himself and the cooperation of Councilman Cohen's office throughout this whole deal. When I became involved in this at the end of June, quite frankly, we didn't have a leg to stand on. But you learn in actions like this who exactly your friends are and whether you are on the right side or the wrong side and everytime I've asked City Council for help I've gotten it and I appreciate that. Thank you very much gentlemen and ladies.

The Chair:

Thank you Bernie and thank you Councilman Ferlo. The next resolutions are to be read into the record and will be presented by Councilman Onorato:

Mr. Onorato presents

No. 3555 WHEREAS, from 1840 to 01907, Allegheny was Pittsburgh's beautiful and sophisticated twin sister across the river. Millionaires and magnates resided in palatial splendor nearly free from the smoke and shadows of America's industrial colossus; and

WHEREAS, cultural and economic giants including Andrew Carnegie, Stephen Foster, Gertrude Stein, William Scaife, Martha Graham, Henry Oliver, Henry Phipps, Mary Cassatt, Charles Avery and Henry O. Tanner were Alleghenians; and

WHEREAS, famed authors and poets including Willa Cather, Mary Roberts Rinehart, Margaret Deland, Robinson Jeffers and Marianne Moore did some of their best work here; and

WHEREAS, the "Lost City" has a profound effect on our nation's development. Wholesome and safe foods, roasted and packaged coffee, modern bathroom fixtures, the first Carnegie Library and the first free classical college for African Americans originated here; and

WHEREAS, an international religion, the first practical airplan, an award-winning automobile manufacturer, the Ferris wheel and the first professional baseball club and the first talking motion picture were conceived and nurtured in Old Allegheny City; and

WHEREAS, there was Eastern Standard Time, for 40 years the entire United States ran to the pace of Allegheny Time. And the Father of Daylight Savings Time was an Alleghenian; and

WHEREAS, Allegheny is the only City on earth to have an Asteroid named after it. It is called Alleghenia. Even the Universe still recalls

the memory of Old Allegheny; and

WHEREAS, at the time of its disappearance, Allegheny City had a population of 150,000 people who knew, with a doubt, that they were living in one of our nation's most colorful and significant places; and

WHEREAS, despite its lofty achievements, Old Allegheny's proud heritage has been destroyed and nearly forgotten. Today as we belatedly raise the flag of Allegheny for the very first time, let us take a moment to remember and to savor its "Golden Past".

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh bears witness to the rebirth and revitalization of the Northside as the crown jewel of Pittsburgh's past and surely of Pittsburgh's future.

Mr. Onorato moved to adopt the resolution.

Mr. O'Connor seconded the motion.

Which motion prevailed.

Mr. Onorato presents

No. 3556 WHEREAS, the Order of Saint Lazarus of Jerusalem was constituted in its present form in 1098 for the relief of those suffering from leprosy and to provide security for pilgrims to the Holy Land; and

WHEREAS, this Order was introduced to the United States in the 1930's and has continued its long history of humanitarian assistance to the distressed; and

WHEREAS, the Order has, in our day, provided medical assistance to those suffering from war and strife in Bosnia, Herzegovina, from deprivation in Russia; and

WHEREAS, the Order has maintained medical clinics in the Holy Land, and has built the first hospice in Poland; and

WHEREAS, the Atlantic Commandery of this Order, the Eastern region, was raised to the status of a Grand Commandery last year; and

WHEREAS, this is the first official visit of the Order to the City of Pittsburgh, where it is raising funds for humanitarian relief, especially for the Children of Chornobyl, a Pittsburgh based charity.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh welcomes the Order of Saint Lazarus of Jerusalem to the City and thanks the Order for all their humanitarian efforts.

Mr. Onorato moved to adopt the resolution.

Mr. O'Connor seconded the motion.

Which motion prevailed.

The Chair:

Members of Council and ladies and gentlemen, I am honored to present this next resolution. I would like to ask the 171st Air Refueling Wing of the Air National Guard here in the Pittsburgh area to please step forward to receive the resolution. The individuals with us today are Colonel William Lynch who is the Wing Commander of the 171st Air Refueling Wing; Major James Lauria, the Wing Chief of Staff; Captain George Runkell, Officer in charge of the Civil Engineering Detachment; and the Civil Engineering Division represented by Master Sergeant Keith Kennick, Tech Sergeant Ralph Stuart; Tech Sergeant Alan Smith; Staff Sergeant Gerald Kirkland. Colonel, did I miss anyone? I think its very appropriate that today,

being December 7th, that we have a military group here with us whose first responsibility obviously is protecting this country but as all of you will see in reading this resolution, they are extremely involved in many community activities here in the City of Pittsburgh and Southwestern PA and we are honored to have them.

Mr. Wagner presents

No. 3557 WHEREAS, the 171st Air Refueling Wing of the Air National Guard has been instrumental in working with the Partners in Parks Office of the City of Pittsburgh to correct the erosion problems along the trails of Schenley Park by installing new catch basins and drains; and

WHEREAS, because of the technical assistance and manpower of these dedicated volunteers, the upper Panther Hollow trail has been restored; and

WHEREAS, the 171st Air Refueling Wing of the Air National Guard have been involved in many worthwhile community efforts, including literacy training, the American Cancer Society, Guiding for the Blind, and missions to haul food to distribution sites for the Food Share Program, to name a few; and

WHEREAS, the Council of the City of Pittsburgh extends its thanks and appreciation to the dedicated volunteers of the 171st Air Refueling Wing of the Air National Guard, and to the Partners in Parks Program of the City of Pittsburgh, for their efforts to restore the natural beauty of the Schenley Park trails.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh hereby proclaims the week of December 6, 1993 as the 171st Air Refueling Wing of the Air National Guard Week in the City

of Pittsburgh in recognition of their outstanding volunteer efforts.

Mr. Cohen moved to adopt the resolution.

Mr. Ferlo seconded the motion.

Which motion prevailed.

The Chair:

Gentlemen, we are extremely honored to have you here today and I'm going to begin with Colonel Lynch, and I know Colonel Lynch is going to introduce Captain George Runkel to say a few words. My sincere thanks on behalf of the citizens of Pittsburgh for all of your efforts, and not just in Schenley Park but in many, many other types of volunteer efforts throughout the City of Pittsburgh. I was out there with Councilman O'Connor walking the trail several months ago and Murna Antonio Hall who is with us here today also, who has been extremely instrumental in coordinating these efforts, has been out there many times with several of us and we have seen, and I have walked that trail, and truly, the improvement made on that trail is significant. Its an infrastructure improvement that will keep erosion from occurring to the trail and to the hillside and is a permanent improvement in the Schenley Park infrastructure of that Park. The 171st has been involved in many, many other efforts, not just this year but in previous years, and I can't say enough of them. We thank you very much. We hope you stay involved. You are a very important part of our City. Thank you Colonel.

Colonel Lynch:

Members of Council, Councilman Wagner, thank you very much. On any normal day we have three or four airplanes and air crews in various parts of the world. However, the international guard considers itself to be

America's community based defense force. We have guardsmen in almost every community in this country. Its important to us since our members come from the community and most of them have jobs in the community, that we have the opportunity to give service back to our community to add value to our society and we appreciate the opportunity to do that. Its important that you realize that these gentlemen standing next to me are the ones that really made it happen. They are the ones that went out there last summer in the mud and the heat with shovels and doing the not glamorous work to rehabilitate Schenley Park and I appreciate it and I am delighted that you appreciate it also.

Captain Arnold:

Members of Council I would just like to express our gratitude for having us out to do the work. Our members worked hard and these guys who worked on the project, a lot of them are active in their communities. They're the ones that join their volunteer fire departments, are active in boy scouts, the P.T.A.. They are always the type that are willing to volunteer and when this project came up I was really quite overwhelmed with the number of volunteers that I had come to me wanting to work down here. The guys, during the two weeks they worked down there, really enjoyed it. They liked talking to the people in Pittsburgh while they were doing the work and they were very pleased with what they had done at the completion. We sincerely hope that we will be remembered down there and we are happy to add to the quality of life in this City.

Mr. O'Connor:

I was there last week in the evening and I know you are finishing up and with all the rain, there is a lot of mud and I really want to thank you for your efforts. I know you had two weeks to finish it up and its an outstanding job. We use it, a lot of people in the entire city use it, especially in

the Squirrel Hill, Greenfield, and Oakland community. We really thank you for your work and they'll be happy to know that it will all be finished and it looks great.

Mr. Ferlo:

Mr. President, we've had just in the last couple of years with Mr. Onorato and other Council Members very active on park work, good things that have come out of Highland Park, Schenley and elsewhere. I think we should really put some signage up showing appreciation for the individuals and/or groups that have spent a lot of volunteer time as well as resources. I think it should be very much like the adopt a highway kind of signage and I think we should do that and maybe its something we can work on in the coming months. I think it would show appreciation but also encourage other organizations to emulate the fine work that these gentlemen have exhibited.

The Chair:

Councilman, thats a great idea. Colonel if you have some kind of a little sign that we could identify who did that work I'm sure we could work with Myrna and our Parks Department to install it in Schenley Park. Thank you very much. Good idea.

The next resolution is sponsored by Councilman Darkins and Councilman Smith.

Mr. Darkins:

Mr. President, my colleagues on Council, today is an exciting day for these young people, and you well understand why this is an exciting day for this group. We are very proud of them, and when I say "we" I speak in terms of Councilman Christopher Smith who this groups originates out of his Council District. In the origination, though, some are from our church

area and from the church, so it was a joint effort and we thank Councilman Smith for his indulgence today.

Mr. Darkins and Mr. Smith present

No. 3558 WHEREAS, the Pittsburgh Hill District Mighty Mites program is more than a football team for youngsters from the age of 100 years to 11 years. The team of 14 youngsters is coached by Jimmy Wilson and Anthony Portis, respectfully, and is a family structure. The coaches focus on what their grades and their conduct is like in addition to their game; and

WHEREAS, the plan for the members of the Wildcats is for them to be good at the game, go to high school and college and be stars at all they do. The Wildcats play the game of football with grace and they do not waste a move or a motion. Their offensive play is being called the Rolls Royce Offense. The offense scored over 432 points over 9 games, and the Wildcats have won their first Championship. They are considered the highest percentage winner of Allegheny County Midget Football Leagues, and had only one loss in four years; and

WHEREAS, the program for the Pittsburgh Hill District Wilcats Mighty Mites displays the prime example of what will managed youth activities can give back to the community and its youth. Self-esteem, pride and accomplishments are just a few of the benefits.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh recognizes the Pittsburgh Hill District Wildcats Mighty Mites for their achievements, strength and determination, and we celebrate with them the receipt of the FBI Trophy and Most Valuable Player Certificate to their teammate, Rasheed Marshall; and

BE IT FURTHER RESOLVED, that

Tuesday, December 7, 1993 be declared Pittsburgh Hill District Wildcats Mighty Mites Day in the City of Pittsburgh.

Mr. Darkins moved to adopt the resolution.

Mr. Smith seconded the motion.

Which motion prevailed.

Mr. Darkins:

We are going to call on Mr. James Williams and whoever he would select to speak. Also, Councilman Smith will add words to this. But also affixed to this Resolution is the signature of our President, Jack Wagner, attested to by our Clerk, Michael Perry, and Duane A. Darkins and Christopher A. Smith as sponsors of this Resolution.

James Williams:

Well, you know I'm shy but I'd like to thank City Council and thank especially Christopher Smith and Reverend Darkins and give honor to God first who gave me the strength and gave us the strength to carry on so that we could do something positive for our youth in the communities. You can't say one community because they are from so many. I'd just like to say thank you.

Mr. Smith:

I think the most important thing is that this is another partnership between volunteers and the most valuable asset our city has--young people. I want to commend you for a wonderful record and we are actually going to come out and check out some games and get you a little P.R. so that we can fill up the stands. I really want to thank the adults because without their willingness to give their time, we would have another group of kids without constructive,

directed recreation which helps promote competition and achievement in life. So I just want to say thank you to everyone because you are the most important core group that is going to help make Pittsburgh a #1 City again.

The Chair:

Whose the captain of the team? Let's get the captain up here next.

Armi Sherreath:

I am with the Homewood-Brushton Athletic Association. The reason I got involved with the group was because of the other volunteers. These gentlemen were trying hard to put something together and they asked for my help. And I'll tell you, I'm so proud that when we went to Florida to play, the parents down in Florida and the fans have invited us back for next year. They were really, really pleased with the way these kids played football. And I'm hoping that the City of Pittsburgh will recognize these kids. We were ambassadors of goodwill from the City of Pittsburgh and these kids really acted like gentlemen down there. We had no complaints. Thank you.

Mr. Acrum:

Yes, my name is Ed Acrum, I'm President of the Wildcats. I'm glad to have Jimmy Williams and all the people that helped us put this program together and a special thanks to Mr. Williams because he works winners with these kids. Thank you.

Player:

I want to say thanks to our two coaches for helping us cause we could be doing some bad stuff in the streets, the way it is, and we are pretty good. They teach us well and I want to thank our parents...and everybody.

The Chair:

You did a good job. Congratulations everyone.

Mr. Cohen presented

No. 3488 Resolution making appropriations to pay the expenses of conducting the public business of the City of Pittsburgh and for meeting the debt charges thereof for the year beginning January 1, 1994.

Also,

No. 3489 Resolution fixing the number of officers and employees of all departments of the City of Pittsburgh and the rate of compensation thereof for the year beginning January 1, 1994.

Also,

No. 3490 Resolution adopting and approving the 1994 Capital Budget and the 1994 Community Development Block Program and approving the 1994 through 1999 Capital Improvement Program.

Also,

No. 3491 Resolution providing for the issuance of a \$14,624.89 warrant in favor of American Rent A Ride in settlement of claim for automobile damage to 14 City leased vehicles leased to the Public Works Division for the summer employment program, payable from Code Account No. 46, Judgments.

Also,

No. 3492 Resolution authorizing the issuance of a warrant in favor of the Commonwealth of Pa. to refund a reimbursement

received from Western School of Health and Business Careers, Inc. in connection with two SPOC participants who withdrew from training under a contract agreement that ended June 30, 1993. The total warrant will not exceed \$3,455.00 chargeable to and payable from the JTPA-1 Trust Fund.

Also,

No. 3493 Resolution amending Res. No. 722 of 1992 entitled "Providing for an agreement or agreements with various agencies for the implementation of the Pittsburgh Partnership and for the payment of the costs thereof" by decreasing the amount available for subcontractor agreements by \$131,049.82 from \$638,653.00 to \$507,603.18 chargeable to and payable from the following Code Account of the Community Development Block Grant Program: Pittsburgh Partnership, Code Account 4-84-01-0004-92-502-92-85 - \$350,000.00; Pittsburgh Partnership, Code Account 4-85-01-0004-91-502-91-85 - \$7,603.18; Pittsburgh Partnership, Code Account 4-85-01-0004-90-502-90-82 - \$150,000.00.

Also,

No. 3494 Resolution amending Res. No. 723 of 1992 entitled "Providing the authorization to make all legitimate administrative expenditures necessary to implement the Pittsburgh Partnership; providing for the periodic transfer of funds to reimburse for program administrative costs incurred, and providing for the periodic transfer of funds to be used for wages and fringe benefits for participants of the Pittsburgh Partnership and for the payment of costs thereof" by increasing the amount available for wages and fringe benefits for participants by \$131,049.82 from \$361,347.00 to \$492,396.82 chargeable to and payable the 1991 CDBG Program, Dept. of Personnel and Civil Service Commission, CDPCS Code Account 4-85-01-

0004-91-502-91-85.

Also,

No. 3495 Resolution amending Res. No. 705 of 1991 entitled "Providing for an agreement or agreements with various agencies for job development and employment services and/or on-the-job training in connection with the Pittsburgh Partnership Employment Program and providing for the payment thereof" by adding job related vocational skills training, at a cost not to exceed \$100,000.00 chargeable to and payable from the 1991 CDBG Program, Dept. of Personnel and Civil Service Commission CDPCS Code Account 4-85-01-0003-91-373-91-85.

Also,

No. 3496 Resolution providing for an Agreement with a nonprofit organization for use in marketing, clearing titles, transferring property titles, and other related costs in the implementation of the "Side Yard Program", at a cost not to exceed \$50,000.00 chargeable to and payable from the 1993 CDBG Program, Dept. of Finance - "Side Yard Program".

Also,

No. 3497 Resolution amending Res. No. 1039, Item B, eff. Dec. 31, 1988, which authorized the sale of a two story, brick house and garage situated on a lot 43 x 136, known as 3137 Ewart Drive, as well as lot 43 x 36, Center Avenue, 5th Ward, Block 27 F, Lot 146, to Earl F. and Lois W. Hord, his wife, for the sum of \$25,000.00, by reducing the sale price to \$15,000.00. The reason for the amending resolution is that this property has been involved in a protracted legal dispute and the structure at 3137 Ewart Drive has deteriorated. (Council District No. 6)

Also,

No. 3498 Resolution amending Res. No. 998, Item D, eff. Oct. 9, 1992, which authorized the sale of a two story, frame alum-siding house and a one story frame house situated on a lot 40 x 100, known as 510-512 Wicklow Street, 10th Ward, Block 50 H, Lot 206 to Andrew Korley, for the sum of \$5,000.00, by reducing the sale price to \$3,500.00. The reason for the amending resolution is that 512 Wicklow has suffered some structural damage. (Council District No. 7)

Also,

No. 3499 Resolution providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with Act No. 171 of 1984, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Also,

No. 3500 Resolution providing for conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Also,

No. 3501 Resolution providing for conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, "Second Class City Treasurer Sale and Collection Act", effective December 11, 1984.

Also,

No. 3502 An Ordinance supplementing the Pittsburgh Code, Title Six - Conduct, Article III - Dogs and Other Animals, Chapter 633 - Dogs, by adding a new section authorizing the City Treasurer to perform the duties imposed by

the Pennsylvania Dangerous Dog Law, 3 P.S. Section 459-501-A et seq.

Also,

No. 3503 An Ordinance amending the Pittsburgh Code, Title Two, Fiscal, by changing the Rate of Interest on certain delinquent Earned Income and Home Rule Taxes.

Which were severally read and referred to the Committee on Finance.

Mr. Darkins presented

No. 3504 An Ordinance amending and supplementing the Pittsburgh Code of Ordinances, Title Four - Public Places and Property, Article I - Streets and Sidewalks, Chapter 416 - Obstructions, Section 416.01 Minor Street Obstructions; Permits Required, and Section 416.02; Permit Fees for Minor Street Obstructions, and 416.03 Street Encroachments and Major Street Obstructions; Permit Required, by including certain signs, awnings, canopies and sidewalk cafes as minor obstructions, and removing such signs, awnings, canopies and sidewalk cafes from the major public way encroachment procedure.

Also,

No. 3505 Resolution further amending Res. No. 481, eff. June 23, 1987, as amended by Res. No. 558, eff. June 5, 1990, as amended by Res. No. 693, eff. June 18, 1992, entitled "Authorizing the Dept. of Public Works to sell reclaimed asphalt, presently stored at Heth Run (located at the rear of the zoo parking lot). Permission is requested to sell to the general public by the ton. All monies collected are to be deposited into the Asphalt Reimbursement Trust Fund," by increasing the cost of the Asphalt.

Also,

No. 3506 Resolution providing for an agreement or agreement, or the use of existing agreements, for the furnishing of professional services for the benefit of the residents of the City of Pittsburgh eff. Jan. 1, 1994 and providing for the payment of the cost which is not to exceed \$550,000.00 chargeable to and payable from Code Account 1676, Misc. Services, Dept. of Public Works.

Also,

No. 3507 Resolution vacating Haskell Way from Penn Avenue to Mulberry Way in the 6th Ward, 7th Council District of the City of Pittsburgh. The Finance Department recommended this vacation it will allow the URA to consolidate land on both sides into one development parcel. The Finance Department places no price or charge for this vacation.

Which were severally read and referred to the Committee on Public Works.

Mr. Ferlo presented

No. 3508 Resolution Repealing in part of Resolution No. 1051 of 1992 which authorized the filing of a petition for the sale of property located at 5639 Rippey Street in the 11th Ward, authorizing and directing the Director, Dept. of Finance to return certain hand monies collected pursuant thereto and authorizing the Chief, Bureau of Building Inspection, to initiate condemnation and demolition proceedings.
--(SPONSORED BY MR. FERLO)

Which was read and referred to the Committee on Finance.

Mr. Ferlo moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the

agenda this Wednesday.

Mr. Onorato seconded the motion.

Which motion prevailed.

Also,

No. 3509 Resolution transferring the amount of \$8,484.00 from Code Account RPPPTF, Residential Parking Permit Program Trust Fund, Dept. of City Planning, to Code Account 1043, Office of the Mayor, Bureau of Information Systems.

Which was read and referred to the Committee on Finance.

Also,

No. 3510 Resolution authorizing the URA of Pgh. to acquire all of the City's right, title and interest, if any, in and to the publicly-owned property in the 15th Ward of the City of Pgh., designated in the Deed Registry Office of Allegheny County, as Block 55-H Lot 269, for the sum of \$1.00, under the Residential Land Reserve Fund. This vacant lot is being acquired for conveyance to Lawrenceville P. Bayan for residential parking purposes. The property is located at 637 Hazelwood Avenue and contains approx. 9,024 square feet. (Council District No. 5)

Also,

No. 3511 Resolution approving execution of a Contract for Disposition by sale of Land by and between the URA of Pgh. and Lawrence P. Bayan for the sale of Block 55-H Lot 269, for the sum of \$350.00 in the 15th Ward of the City of Pittsburgh. The redeveloper intends to use this vacant lot for residential parking purposes. The lot, which is located at 637 Hazelwood Avenue, consists of approx

9,024 square feet. (Council District No. 5)

Also,

No. 3512 Resolution authorizing the URA of Pgh. to acquire properties in the City of Pgh., for the Fair Market Value, under the Residential Land Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh. (Council District No. 6)

Also,

No. 3513 Resolution approving execution of a Contract for Disposition by sale of Land by and between the URA of Pgh. and Arch Court Associates for the sale of properties in the City of Pittsburgh (SIDEYARD). (Council District No. 6)

Also,

No. 3514 Resolution authorizing the URA of Pgh. to condemn and acquire all of the City's right, title and interest, if any, in and to the publicly-owned property in the 22nd Ward, designated as Block 23 K Lot 329 (Butterfield Way) for the Fair Market Value, in the City of Pittsburgh, under the Residential Land Reserve Fund, said property having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh. This property contains approx. 329 square feet, is being acquired for resale to Arch Court Associates for use as a sideyard. (Council District No. 6)

Also,

No. 3515 Resolution approving execution of a Contract for Disposition by sale of Land by and between the URA of Pgh. and North Side Tenants Reorganization for the sale of

properties in the City of Pittsburgh (REHABILITATION/SIDEYARD). (Council District No. 6)

Also,

No. 3516 Resolution authorizing the URA of Pgh. to acquire all of the City's right, title and interest, if any, in and to the publicly-owned property in the 16th and 17th Wards of the City of Pgh., designated in the Deed Registry Office of Allegheny County, as Block 12-P Lots 92, 96, 106, and Part of Lot 152, for the sum of \$1.00, under the Industrial Land Reserve Fund. This vacant land is being acquired for conveyance to the adjacent owner for use as an employee-parking facility and for storage of business vehicles. The property is located on South 18th and South 21st Streets between Josephine and Mission Streets. The site contains a total of approx. 52,295 square feet. (Council District No. 3)

Also,

No. 3517 Resolution approving execution of a Contract for Disposition by sale of Land by and between the URA of Pgh. and James and Therese Eaborn for the sale of Block 12-P Lots 92, 96, 106 and Part of Lot 152, in the 16th and 17th Wards of the City of Pittsburgh, for the sum of \$40,500.00. The redeveloper intends to use this vacant land as an employee-parking facility and for storage of business vehicles. The property is located on South 18th and South 21st Streets, between Josephine and Mission Streets on the South Side. The property consists of approx. 52,295 square feet. (Council District No. 3)

Also,

No. 3518 Resolution approving execution of a Contract for Disposition by sale of Land by and between the URA of Pgh. and

Homewood Brushton Revitalization and Development Corporation for the sale of Block and Lot 175-H-180 (7942 Tacoma Street) for the sum of \$1.00, in the 13th Ward of the City of Pittsburgh. The redeveloper intends to rehabilitate this vacant structure under the Authority's HOPE-3/Vacant Property Redevelopment Plan. This structure is a single-family dwelling on a lot containing approx. 3,100 square feet. (Council District No. 9)

Also,

No. 3519 Resolution authorizing execution of a Contract for Disposition by sale of Land by and between the URA of Pgh. and Homewood Brushton Revitalization and Development Corporation for the sale of Block and Lot 174-B-131 (7250 Upland Street), for the sum of \$1.00, in the 13th Ward of the City of Pittsburgh. The redeveloper intends to rehabilitate this vacant structure under the Authority's HOPE-3/Vacant Property Redevelopment Plan. This structure is a single-family dwelling on a lot containing approx. 2,310 square feet. (Council District No. 9)

Also,

No. 3520 Resolution authorizing the URA of Pgh. to acquire all of the City's right, title and interest, if any, in and to the publicly-owned property in the 13th Ward of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County, as Block 174-R Lot 216, for the sum of \$1.00, under the Industrial Land Reserve Fund. This vacant lot is being acquired for conveyance to the adjacent owner for use as a parking facility. The property is located at 624 Brushton Avenue and contains approx. 3,250 square feet. (Council District No. 9)

Also,

No. 3521 Resolution approving execution of a Contract for Disposition by sale of Land by and between the URA of Pgh. and Stanley and Rosemary Williamson for the sale of Block 174-R Lot 216 for the sum of \$750.00, in the 13th Ward of the City of Pittsburgh. The redeveloper intends to use this vacant lot as a parking facility for a restaurant which they intend to open on the adjoining property. The property is located at 624 Brushton Avenue, consists of approx. 3,250 square feet. (Council District No. 9)

Which were severally read and referred to the Committee on Planning, Housing and Development.

Mr. O'Connor presented

No. 3522 Resolution authorizing the issuance of a warrant in favor of the Zoological Society of Pittsburgh in the amount of \$3,438.00 in payment for services for the Pittsburgh Zoo, for the benefit of the City, chargeable to and payable from Code Account PZTF, Pittsburgh Zoo Trust Fund, Dept. of Parks and Recreation.

Also,

No. 3523 Resolution authorizing the issuance of a warrant in favor of Aquanetics Systems in the amount of \$8,092.10 in payment for services for the Pittsburgh Zoo, for the benefit of City, chargeable to and payable from Code Account PZTF, Pittsburgh Zoo Trust Fund, Dept. of Parks and Recreation.

Also,

No. 3524 Resolution authorizing the issuance of a warrant in favor of Geyer Printing Company in the amount of \$5,525.00 in payment for services for the Pittsburgh Zoo, for the benefit of the City, chargeable to and payable from Code Account PZTF, Pittsburgh Zoo Trust Fund, Dept.

of Parks and Recreation.

Also,

No. 3525 Resolution authorizing the issuance of a warrant in favor of Unit Structures Specialty Product Inc., in the amount of \$3,825.00 in payment for repairs for the Pittsburgh Zoo, for the benefit of the City, chargeable to and payable from Code Account PZTF, Pittsburgh Zoo Trust Fund, Dept. of Parks and Recreation.

Also,

No. 3526 Resolution authorizing the issuance of a warrant in favor of Vaughan's Seed Company in the amount of \$2,927.00 in payment for supplies for Phipps Conservatory, for the benefit of the City, chargeable to and payable from Code Account PCTF, Phipps Conservatory Trust Fund, Dept. of Parks and Recreation.

Also,

No. 3527 Resolution transferring the amount of \$96,965.12 to Code Account SPP, Special Parks Programs, from Code Account SSFSP, Special Summer Food Service Program Trust Fund, Dept. of Parks and Recreation. This transfer is necessary to clear the remaining funds from the Special Summer Food Service Program Trust Fund.

Also,

No. 3528 Resolution transferring the amount of \$450,000.00 to Code Account 45, Health Insurance, Municipal Employees, from Code Account SSFSP, Special Summer Food Service Program Trust Fund, Dept. of Parks and Recreation. This transfer is necessary to return funds to the original code as stated in Resolution 657.

Also,

No. 3529 Resolution transferring the aggregate amount of \$150,000.00 to Code Account 1718, Wages, Regular and Temp. Employees, from Code Account SPP, Special Parks Programs, the amount of \$125,000.00 and from Code Account SSFSP, Special Summer Food Service Program Trust Fund, the amount of \$25,000.00. This transfer is necessary to return funds to the original code as stated in Resolution 657.

Which were severally read and referred to the Committee on Finance.

Also,

No. 3530 Resolution authorizing the Mayor and the Director of the Dept. of Parks and Recreation to enter into agreements in individual amounts of \$10,000.00 or less with various performers, instructors, artists and other persons with specialized skills in connection with the Department's various recreational and instructional programs.

Which was read and referred to the Committee on Parks and Recreation.

Mr. Onorato presented

No. 3531 Resolution amending Res. No. 315, eff. April 16, 1993 entitled: "Providing for the filing of an application by the City of Pittsburgh with the Dept. of Transportation of the Commonwealth of Pa., for a grant in connection with the Federal, State and Community Highway Safety Programs," by increasing the cost from \$11,700.00 to \$70,043.00, chargeable to and payable from the Highway Safety Project Grant Trust Fund.

Which was read and referred to the Committee on Public Safety.

Mr. Onorato moved to suspend Rule 8 by providing for consideration of the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Cohen seconded the motion.

Which motion prevailed.

Also,

No. 3532 An Ordinance amending the Pittsburgh Code of Ordinances, Title Five - Traffic, Article VII - Parking, Chapter 541, General Parking Regulations, Section 541.07 by adjusting the specific fine for violation of 541.01(c)(4).

Which was read and referred to the Committee on Public Safety.

Mr. Ricciardi presented

No. 3533 Resolution providing for the issuance of a warrant in favor of McGraw-Hill, Inc., in the amount of \$948.75 for advertisement in the November issue of ENR for bids for the Computerized Traffic Responsive Traffic Control System, payable from Code Account EC 86-08.

Also,

No. 3534 Resolution providing for the issuance of a warrant in favor of Consolidated Rail Corporation in the amount of \$341.64 in payment of railroad flagging services required for the inspection of the Larimer Avenue Bridge, payable from Code Account EC 93-57.

Also,

No. 3535 Resolution transferring the

amount of \$500.00 from Code Account 1001-1, Misc. Services, Supplies & Equipment, City Council (District 3) to Code Account 1103, Misc. Services, Dept. of City Planning.
---(SPONSORED BY MR. RICCIARDI)

Which were severally read and referred to the Committee on Finance.

Also,

No. 3536 Resolution further amending Res. No. 1348, eff. Jan. 1, 1993, entitled "Adopting and approving the 1993 Capital Budget and the 1993 CDBG Program; and approving the 1993 through 1998 Capital Improvement Program," by increasing EC 93-532 (Fifth/Forbes Street Improvements) by \$2,200,001 from \$300,000 to \$2,500,001.

Also,

No. 3537 Resolution further amending Res. No. 1415, eff. Jan. 1, 1991, as amended, entitled "Adopting and approving the 1991 Capital Budget and the 1991 CDBG Program and approving the 1991 through 1996 Capital Improvement Program," by increasing EC 91-553 (South Tenth Street Bridge Rehabilitation) by \$50,000.00 from \$550,000.00 to \$600,000.00.

Also,

No. 3538 Resolution further amending Res. No. 1327, eff. Dec. 23, 1982, as amended by Res. No. 820, eff. Sept. 30, 1983, as amended by Res. No. 612, eff. Aug. 3, 1989, as amended by Res. No. 637, eff. July 5, 1990, as amended by Res. No. 567, eff. May 13, 1992, as amended by Res. No. 329, eff. April 26, 1993, entitled "Providing for an Agreement or Agreements, or Supplemental Agreement or Agreements, with a Consultant or Consultants for Engineering Services in connection with the rehabilitation of a

portion of Fort Pitt Boulevard - Eastbound and the Rehabilitation of the Market Street Overpass; providing for a Reimbursement Agreement or Agreements with the Commonwealth of Pa., Dept. of Transportation; and providing for the payment of the cost thereof," by increasing the total project allocation by \$800,000.00 from \$1,026,000.00 to \$1,826,000.00.

Also,

No. 3539 Resolution further amending Res. No. 626, eff. July 3, 1991, as amended by Res. No. 527, eff. May 13, 1992 entitled "Providing for a Cooperation Agreement or Agreements with Allegheny County for the City's share of the costs for improvements to City-owned facilities located within and being part of the County-owned South Tenth Street Bridge; and providing for the payment of the costs thereof," by increasing the total project allocation by \$50,000.00 from \$550,000.00 to \$600,000.00, chargeable to and payable from Code Account EC 91-553.

Which were severally read and referred to the Committee on Engineering and Construction.

Also,

No. 3540 Resolution providing for an Agreement or Agreements with St. Canice Child Care for furnishing of professional services for the benefit of the residents of the City of Pittsburgh at a cost not to exceed \$500.00 chargeable to and payable from Code Account 1103, Misc. Services, Dept. of City Planning.
---(SPONSORED BY MR. RICCIARDI)

Which was read and referred to the Committee on Planning, Housing and Development.

Also,

No. 3541 Resolution providing for an

Agreement or Agreements, or use of existing Agreements, and/or a Contract or Contracts, or use of existing Contracts, for Construction and Construction Inspection for Phase I of the City's Fifth/Forbes Street Improvement Project, at a cost range of 43,000,000.00 or more, but less than \$5,000,000.00.

Also,

No. 3542 Resolution providing for a License Agreement or Agreements with Duquesne Light Company in connection with the electrical service for the Brilliant Ware house in the 12th Ward of the City of Pittsburgh.

Also,

No. 3543 Resolution authorizing the Mayor and the Director of the Department of Engineering and Construction to enter into an Ownership and Maintenance Agreement with the Pennsylvania Department of Transportation for the ownership and maintenance of the pedestrian bridge being built by the City on the Fort Duquesne Bridge in Point State Park.

Also,

No. 3544 Resolution providing for a Contract or Contracts, or use of existing Contracts, for Street Tree Planting at Various Locations, at a cost not to exceed \$50,000.00, chargeable to and payable from Code Account CDEC93-143.

Also,

No. 3545 Resolution providing for a Contract or Contracts, or use of existing Contracts, for the Renovation of the Mt. Washington Ballfield at a cost range of \$25,000.00 or more, but less than \$75,000.00 chargeable to and payable from Code Account EC93-1019.

Also,

No. 3546 Resolution providing for a certification required by the Pennsylvania Department of Community Affairs in order to close out the Baxter Playground Project.

Also,

No. 3549 Resolution providing for a Reimbursement Agreement or Agreements with Various Property Owners including, but not limited to the May Company, on behalf of Kaufmann's Department Store and Oxford Development Company on behalf of the Frick Building, for their share of vault repairs and/or replacements in connection with the Fifth/Forbes Street Improvements Project. Any reimbursement received from the May Company, Oxford Development or any other building owners shall be deposited into the Department of Engineering and Construction's Unrestricted Cash, 1989 Project Fund, Code Account EC93-532.

Which were severally read and referred to the Committee on Engineering and Construction.

Mr. Smith presented

No. 3547 Resolution providing for the issuance of a warrant in favor of Breachmenders, 200 Robinson Street, Pittsburgh, PA 15213, in the amount of \$200.00 in payment for professional services rendered to Councilman Smith, chargeable to and payable from Code Account 1001-1, Misc. Services, Supplies and Equipment, City Council, District 6.
---(SPONSORED BY MR. SMITH)

Which was read and referred to the Committee on Finance.

Mr. Smith moved to suspend Rule 8 by

providing for consideration of the bill only until or after the 8th calendar day following the meeting in which the bill was introduced so the bill will be on the agenda this Wednesday.

Mr. Ricciardi seconded the motion.

Which motion prevailed.

Also,

No. 3548 Resolution providing for the issuance of a warrant or warrants in the amount of \$47,958.39 for payment to the City of Pittsburgh Equipment Leasing Authority, for three (3) GMC S - Jimmy Sport Utilities, chargeable to and payable from Community Communications Trust Fund (CC), in the Bureau of Cable Communications, Department of General Services.

Which was read and referred to the Committee on Finance.

REPORTS OF COMMITTEES

Mr. Cohen presented

Bill No. 3550

Report of the Committee on Finance for December 1, 1993 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3444

A Resolution entitled, "Resolution providing for the issuance of a \$1,100.00 warrant in favor of Bell of Pennsylvania in settlement of claim for property damage."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8

NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3445

A Resolution entitled, "Resolution providing for conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, 'Second Class City Treasurer Sale and Collection Act', effective December 11, 1984."

Which was read.

Also,

Bill No. 3446

A Resolution entitled, "Resolution transferring the amount of Sixty Thousand (\$60,000.00)

Dollars from Code Account 1043, Miscellaneous Services, Index Code 104307, Mayor's Office to Code Account 1676, Miscellaneous Services, Index Code 167601, Bureau of Environmental Services, Department of Public Works."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferio	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Darkins presented

Bill No. 3551

Report of the Committee on Public Works for December 1, 1993 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3447

A Resolution entitled, "Resolution providing for a Contract or Contracts, or the use of existing Contracts for the verification of individual parcel addresses as they relate to lot and block numbers for residents throughout the City of Pittsburgh. This mailing system will be used in conjunction with the Pagis system to obtain an accurate mailing list for Environmental Services, Finance, Planning, Police, Fire, etc., at a cost not to exceed One Hundred Thousand (\$100,000.00) Dollars, chargeable to and payable from Code Account 1676, Miscellaneous Services, Index Code 167601, Bureau of Environmental Services."

Which was read.

Also,

Bill No. 3448

A Resolution entitled, "Resolution granting unto Mellon Bank, 1401 East Carson Street, Pittsburgh, PA 15203, their successors and assigns, the privilege and license to construct, maintain and use at their own cost and expense, one double-faced business identification sign in the right-of-way of East Carson Street in the 17th Ward, 3rd Council District of the City of Pittsburgh."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Ferlo presented

Bill No. 3552

Report of the Committee on Planning, Housing and Development for December 1, 1993 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3451

A Resolution entitled, "Resolution renewing Resolution No. 963 approved by City Council on August 18, 1993 authorizing the Port Authority of Allegheny County to construct a 279 sq. ft., one-story extension to the west side of the existing Monongahela Incline building, with other renovations, located at 8 Grandview Avenue on property zoned 'S' Special District, 19th Ward."

Which was read.

Also,

Bill No. 3471

A Resolution entitled, "Resolution authorizing

the Urban Redevelopment Authority of Pittsburgh to acquire that property in the 10th Ward of the City of Pittsburgh owned by Hightower Plaza, and designated as Block and Lot 50-D-300 and 81-S-188 in the Deed Registry Office of Allegheny County, under the Industrial Land Reserve Fund." --(SPONSORED BY MR. FERLO)

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. O'Connor presented

Bill No. 3553

Report of the Committee on Parks and Recreation for December 1, 1993 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3242

A Resolution entitled, "Resolution providing for an Agreement(s) and Controller(s), with Consultant(s) and Vendor(s) for various expenses in connection with the Pittsburgh Advocacy Commission on Youth, payable from Code Account 4-10-10-1487-93-506-93-103, Index Code 611038, Youth Commission, Department of Parks and Recreation, and for payment thereof."

Which was read.

Mr. Ferlo:

I'd like comments to come forward but I just want to reiterate the agreement Mr. O'Connor worked out with the Administration on this that they would not, pursuant to the funds that we've allocated for the Pittsburgh Advocacy on Youth, that the Administration would not at this time hire or enter into contract to hire any full time staff until we see what the reorganization administratively will be after January in terms of the Mayor's Office responsibilities regarding the Youth Advocacy's activities. And secondly, that they would begin to initiate a request for a proposal. I think it was Council's intent all along in funding the Youth Advocacy Commission that we would bring together a representative and broad-based group of people who are working on problems confronting young people as well as young people themselves who want to be more active in giving some guidance to local government, but that that request for proposal would go out so that the Commission can begin to entertain proposals from organizations, individuals and agencies in each one of our Council Districts who are working on impacting some of the concerns and some of the problems we're dealing with. So I hope that that process gets under way very quickly.

Mr. O'Connor:

I'd like my comments brought forward too, and I support Mr. Ferlo and hopefully our verbal agreement is upheld. So I want to keep that on the record that both of us agree on this.

(REMARKS ON FOLLOWING PAGES)

(MESSRS. FERLO & O'CONNOR'S COMMENTS ON BILL NO. 3242)
(Wednesday, December 1, 1993)

Mr. O'Connor:

I would like an update of what the commission has been doing, then I will defer to Mr. Ferlo.

Mr. Young:

I would like to start off, the Youth Commission has been meeting for about two months now. The commission members were sworn in. The Parks Department through the staffing of Bob Stump has been involved in helping to put the agenda together for those meetings and to lead those meetings. What we have proposed over the last weeks is a budget for Council's review, and essentially what we would like to present today is that the Youth Advocacy Commission is moving on, they have organized, they would like to know that there is some semblance of a budget to deal with over the next year, year and a half of operations. And what we have done is put that together.

Mr. O'Connor:

You are still filling the board positions?

Mr. Young:

I think there are some additional positions that will be filled. As we found out that there are a number of young people whose names they recommended, some of them, after finding out about it, had some reluctance. We are continuing to work with some of them, with their parents, and working also with some new names that have been recommended to try to make sure those on the commission recognize the role and responsibility that they have and that they will be ongoing members of the commission.

Mr. O'Connor:

Council recommended that there be geographical representatives from the whole city.

Mr. Young:

And there have been modifications to make sure that there is group geographical representation from all the groups.

Mr. Ferlo:

My only concern, I have no problem with this because I would like to see the Youth Commission get going on the entertainment of proposals. I would strongly suggest if we have

to vote on this, I can't support the budget that was submitted. I suggest we vote on this today to move it along, but that two things happen: One, that no staff be hired relative to the commission. Part of this budget calls for the hiring of an outside consultant or whatever staffing arrangement. I think we need to see what is going to happen in January staffing wise within Parks or the Administration on youth services and youth advocacy and wait to see what the configuration of staff is going to be. Personally, I feel I would not spend money on staffing if that can go to programming. Secondly, rather than lock in any specific amount on entertainment proposals, couldn't the Youth Commission just initiate a request for proposal and receive proposals from service providers, community based groups, what have you, who are working out there in the field on various youth service activities, be they advocacy, intervention in terms of drug, gang activity, be it direct service like literacy, whatever the issues are. I would rather suggest to move, get the commission focused on RFP, entertain a proposal city-wide. Council can help on the solicitation. Mr. O'Connor has been very active on the issue of after school programs. I think I want to try to get this going, entertain creative, new ideas on programing and have the commission review that and Council take on the actual execution of contracts.

Mr. Young:

We support that. The only thing we wanted to do is give this some direction, whatever the commission might want to do there very early in their formulation on the whole piece. Certainly the next Administration should be able to have dialogue with them before they get much further along, so that the new Administration can give them wisdom in that direction, also.

Mr. Ferlo:

In the meantime, can we initiate the RFP process, start getting community groups and other service providers to respond to requests for proposals?

Mr. Young:

I would suggest following up on your lead, that we wait until the new Administration gets in and works with the Youth Commission to develop whomever that process is.

Mr. Ferlo:

Either way I have no problem if you want to get started earlier. I think all of us on Council in voting for that \$150,000.00, we saw the money as being geographically distributed throughout the various council districts to impact

and assist community based efforts. We have had cutbacks on Parks and Recreation. In community efforts in Stanton Heights at Sunny Side School, thanks to the person Bob Stump who is there, he has been out city-wide doing outreach, working with the groups. Morning Side has an effort at Nattoli Field House to increase its program, open up that facility. These are the proposals we would like to look at; something out in Lincoln Larimer, every Council district. We can go through and talk about this. So whether we start now under the RFP or later, I have no problem.

The only secondary issue is the Human Relations Commission is also working on putting together a youth summit for the spring, and I encourage it. It should meet with the Youth Commission and try to coordinate. I hope somebody will work on that.

Mr. Young:

I think we agree with all those things that you said. What we envision is the Youth Advocacy Commission being as comprehensive in talking to city-wide groups, local groups and whoever else might have some input in the process. What we would like to do, though, is have this start to move forward because there is this start-up time, and making sure folks are on board, and within the next two or three months there might only be a few expenditures from this.

Mr. Ferlo:

You are not going to expend dollars now to hire somebody?

Mr. Young:

No.

Mr. Mancuso:

This actually was a draft, and in reality, it was in response to a call from Council to see how these funds might be utilized. But the area that really is the most important here is the commission initiative and the things that the Youth Commission itself formulates as strategy.

Mr. O'Connor:

I would like to just mention I was at one of the meetings and Karl and Bob were there. They ran an excellent meeting. The young people are very involved. What came out of our meeting the other day was I think they want to go into the neighborhoods as a commission or a group talking to others, reaching out. So it might take two, three, four months. I think what Mr. Ferlo is asking is are they just going to --

Mr. Young;

There has to be some rhyme or reason to what it is that they do.

(END OF REMARKS.)

(Transcribed by Helen L. Kriebel, Stenotype Reporter)

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

MOTIONS AND RESOLUTIONS

Mr. Ricciardi:

Thank you, Mr. Wagner. Yesterday, several individuals were sworn in as Board Members of the Pittsburgh School Board. I think four as new members and one was re-elected and also they had an election of officers. I'd like to make a motion that this body send a congratulations letter to each of those individuals including the officers that were elected to their respective posts, just a letter of congratulations and also offering that in any way if we could be of help on any issues to feel free to contact us.

Mr. Darkins:

I would like to make mention of something that has never been made in history. It was history making yesterday. The first African

American woman was sworn in as President of the School Board. She comes from the mighty ninth Council District - Valerie McDonald. I'd like to add that to that motion.

The Chair:

All in favor signify by saying Aye. The ayes have it.

Mr. Ferlo:

Mr. President, I would like to ask that we get a communication back from the Director of Public Works and/or the Acting Director and/or Director DiNardo. This is on a memo that each one of us received in relation to some Office of Professional Responsibility interviewing four employees regarding illeget misconduct. I am a little confused about the scenario. I am very concerned about the jist of the letter that I received from the employees. I know several of these individuals. One lives in my Council district. If there was some inappropriate activity that is at least suggested in this memo, that should be something that the police department itself investigates. I am a little bit confused about what I view is sort of intimidation tactics by Ms. Getman in OPR and the manner in which they conducted this so called investigation. I would just like a written explanation from Director DiNardo and/or Public Works as to what the issues are in this situation, without going into all the details.

Mr. Darkins:

I think that I can appreciate Councilman Ferlo's interest because as the Chairman of the Department of Public Works, I have the same interest in this matter. I had talked to several of the employees who have called my office in regards to this. I think that it was handled the wrong way. They didn't do it in procedure and it has a tendency to taint our city employees and

make them as criminals. I think that there should be some letter to us, to all of us, because this is going to affect the rest of my colleagues in Council who have not heard from the employees that are working for the Department of Public Works and in the various Council Districts. I think that this is a thing that should be done.

The Chair:

Thank You, and Mr. Perry will follow up on that.

Mr. O'Connor:

Yes, I see in yesterday's paper that the Judge upheld the privatization of Phipps and Schenley Park Golf Course and I am bringing it up actually asking my colleague, Mr. Ferlo, not to pursue it any further, that the Court has decided and agreed with Council. Not only that, but I'm on the Board of both organizations. Today the Phipps has its winter garden grand opening. They have made vast improvements and I think you will see a much better facility. The Schenley Park Golf Course has again done a wonderful job. They've painted, they've fixed up. Next year they plan on spending close to \$300,000 for capital improvements. I think its time that hopefully we can put this behind us and moving into the next year of the administration that Mr. Ferlo would support these entities and move on and not have the burden hanging over the people who are working so hard and investing their time and energy and money, not only for the betterment of the facilities, but I think they're helping the whole region and the people of the region and I'd like him to consider just dropping that suit, or not pursuing it any further so that they can move on and we can improve for the benefit of the City of Pittsburgh.

Mr. Ferlo:

In response, I appreciate Mr. O'Connor's

comment. In point or record, in the five years that I have been on this Council I have consistently voted to support these institutions as well as the Zoo. I have done that in countless votes for capital improvements on fee increases, on personnel improvements, you name it, I've voted, so I don't think that's the issue and I disagree with the characterization of not supporting these institutions. Rumors of my legal demise have been greatly exaggerated. I will take Mr. O'Connor's concerns to heart. I will look at the issue again and I will, prior to January 1st, talk with the next Administration about some of the concerns I have. I will take it under consideration.

Mr. Darkins:

Mr. President, I hope this is appropriate. After discussing with my colleague, Councilman Dan Cohen, it is so refreshing to have back with us Linda Johnson Wasler. We're so glad to have her back. Michelle is not here today and she's our lady of Council. But with Linda back, she brings such femininity and brings such great statue to the class in the halls of City Council, so I thought it would be appropriate to just welcome her back today.

The Chair:

I'm sure that motion passes unanimously.

Councilman O'Connor:

What I like about Linda is I get off the elevator and turn the hall she's always right there on top of everything. So I like that when I see it. Welcome back.

Mr. Ferlo moved to excuse Michelle Madoff for absence from the meeting.

Mr. Cohen seconded the motion.

Which motion prevailed.

And on the motion of Mr. Ferlo

Council adjourned.

MUNICIPAL RECORD

Proceedings of the Council of the City of Pittsburgh

VOL. CXXVII

Tuesday, December 14, 1993

No. 48

Municipal Record

ONE-HUNDRED TWENTY-SEVENTH COUNCIL

JACK WAGNER President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON-WASLER..... Asst. City Clerk

Pittsburgh, PA
Tuesday, December 14, 1993

PRESENT:

MR. COHEN	MR. ONORATO
MR. DARKINS	MR. RICCIARDI
MR. FERLO	MR. SMITH
MR. O'CONNOR	MR. WAGNER
	(Pres't)

ABSENT:

MICHELLE MADOFF

The Meeting was opened by the recitation of the Pledge of Allegiance to the Flag of the United States of America, and a moment of silent prayer for peace throughout the world.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. O'Connor presents

No. 3571 WHEREAS, Jim Quealy has generously donated his time and talent over eight years of service to the Upper St. Clair Athletic Association, as a League Director and Coach of the baseball program, and as Commissioner of the basketball program; and

WHEREAS, Jim's years of dedicated service to the youth of Upper St. Clair has had a valuable impact upon the lives and aspirations of the many young athletes in this community; and

WHEREAS, the Upper St. Clair Athletic Association provides youth of this community with a broad variety of extra-curricular, amateur athletics, relying upon the generosity and talent of individuals like Jim to serve the community well; and

WHEREAS, the Upper St. Clair Athletic Association is honoring Jim with a Meritorious Service Award December 12, 1993, for his eight years of service.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby commend the Upper St. Clair, and congratulates Jim for his eight years of service to the community; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh, in honor of

Jim's hard work and dedication, does hereby declare December 12, 1993 to be "Jim Quealy Day" in the City of Pittsburgh.

Mr. O'Connor moved to adopt the resolution.

Mr. Onorato seconded the motion.

Which motion prevailed.

Mr. Onorato:

I'd like to call up representatives from Troy Hill. Firefighter Don Dorsey, Joe King, Dick Hubert, Mildred Tedesco, Mary Willowbur, Cheryl Wedrick, and Mildred "Pinkie" McLaughlin.

Colleagues, ladies and gentlemen, this weekend we had a nice ceremony up on Troy Hill where we dedicated a bell on the firehouse along with recognizing individuals and fallen firefighters. This took place during the Christmas Parade up on Troy Hill where all the citizens were out. It was another example of a community to be proud of and a community that makes Pittsburgh special.

Mr. Onorato presents

No. 3572 WHEREAS, Courage . . . Honor . . . Service . . . Sacrifice . . . Die Glocke Sarah . . . These are the words inscribed on the bell dedicated to all the people of Troy Hill who worked so hard to save the firehouse; and

WHEREAS, the beautiful bronze bell will be perched high atop Engine Company 39 on Troy Hill; and

WHEREAS, Firefighter Captain Donald Dorsey of Engine Company 39 has worked with the people of Troy Hill to honor those individuals who fought to save their firehouse which is the oldest station in the City; and

WHEREAS, the firehouse's foundation was laid in 1870 and the station itself was rebuilt in 1901; thus the station is readying to celebrate its 125th year; and

WHEREAS, the bell is a memorial which dramatizes the sacrifices that firefighters must confront every day as a part of their regular work. It also immortalizes the action of those individuals known as "Fallen Angels"; and

WHEREAS, the bell is Troy Hill's most recent manifestation of civic pride. Troy Hill is a community that responds to their firehouse with a love not found anywhere else.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh recognizes the actions of the Troy Hill Community and their success in saving their firehouse; and

BE IT FURTHER RESOLVED, that the Council of the City of Pittsburgh declares Sunday, December 12, 1993 as "Die Glocke Sarah Day" in the City of Pittsburgh.

Mr. Onorato moved to adopt the resolution.

Mr. O'Connor seconded the motion.

Which motion prevailed.

Mr. Onorato:

Before I turn this over to Dick Hubert to say a few words, I just want to say that for anyone here that is not familiar with Troy Hill, if you ever get a chance to go up there when they're having a special event, it's worth the trip and the time out of your schedule to get up there. It's a great community, close knit community, and it's one of the communities that we can actually show people that this is the advantage of living in the

City.

Every time I go up there I'm always amazed and it surprises me how they come together to fight whatever problem is up there.

Currently, they're in the process of renovating homes and they will refuse to let any urban blight attack their area. They're going to nip it in the bud early and they continue to make Troy Hill a special place.

At this time I'd like to have Dick Hubert come forward to say a few words on behalf of Troy Hill, Citizen Council.

Mr. Hubert:

Thank you, Dan. When I speak I don't like to read from anything. I like to speak from the heart.

First of all, I want to thank President of Council, Jack Wagner, and all Councilmembers, and all the people of Troy Hill and the Firefighters. Without Council and all these things happening, this wouldn't have come about.

This came about with an idea several months ago on behalf of Captain Don Dorsey and our Office Manager, Cheryl. They came up with this idea about the bell. And, believe me, everybody loved the idea. It took off and it became reality.

The Firefighters of Troy Hill have always been wonderful to the community, and that's why we always fight so hard when it comes time to save their jobs.

We are the oldest firehouse in the City and, as far as I'm concerned, one of the best. There is no other fire company that responds to their community, as far as I'm concerned, more

than Troy Hill.

I'm glad and proud that the bell was named in honor of Captain Dorsey's mother.

Once again, I want to thank you. And Troy Hill is always fighting for everything they think is their's and we get more than our fair share up there, and we're going to keep fighting.

Mr. Onorato:

Before I introduce the next person, this is another good example of Troy Hill of a firehouse being more than just fire protection. This firehouse is located right in the heart of Troy Hill in the middle of the business district and it goes to the integrity of the neighborhood. I really believe that we get more value from the firehouses, not just from the protection but just by the community spirit that it offers. And if you would gut this neighborhood by removing the firehouse in this particular location, it would have a devastating effect on that community, not just from the fire protection perspective but just by the integrity of the neighborhood because how it was designed.

At this time I'd like to have Pinkie McLaughlin come forward.

Ms. McLaughlin:

Thank you very much. There are so many things that I could say here today but I know you don't have the time, so I'll cut it short.

All of you people, especially the past Councilmembers, know what we went through to save the firehouse. And of course we did it because we not only love the building but we needed the fire protection on Troy Hill.

I'd like to take this opportunity to thank all past Councilmembers and the Mayor, all present

Councilmembers, because you say our need. And believe me, without you people we couldn't have done this.

Remember now, every time that bell rings on that firehouse, it will ring for you also. You really did us the greatest justice of any Council that we ever had and I want to thank you very much for this. God bless.

Mr. Onorato:

One thing about North Side, we're definitely not shy to speak.

Cheryl, do you want to come up next?

Ms. Wedrick:

My name is Cheryl Wedrick and I'm the Office Manager for Troy Hill Citizens.

It's a great pleasure to work in the same residence that I grew up in. I lived right across the street from the firehouse most of my life, and the firemen were always very special to me.

The community is great. I'm proud to be part of it and I'm proud to be working there.

Again, thank everybody for all the help that they did and Merry Christmas.

Mr. Onorato:

I would also just like to point out before I call Mary up here that the firehouse is up there because of this community, but also because of a string of Councilmen starting under Councilman Ben Woods, Councilman Baldy Regan, and it sort of ended during my term that it was saved. And I want to thank all the individuals that were involved because this community definitely works with their elected officials.

Mary, who is the historian of Troy Hill and probably of the entire North Side. Mary Willowbur.

Ms. Willowbur:

It was strange that he would mention because that's what I was going to tell you that in 1828 when the first town hall was built in Allegheny City the fire equipment was stored in the basement. But the first thing they did was erect a bell on the top of the town hall in order to alert people about the different significant events that took place in Allegheny City.

So, really, the bell belongs on a firehouse. Every firehouse should have one. But we are very, very fortunate that it has come around to us.

We have to thank Captain Dorsey for his idea and all the others that helped to put the bell on our firehouse.

What goes around comes around and we are just repeating a bit of history that is connected with the firehouses. And do you know at that time it was all volunteer, that even the Mayor and the Councilmen dragged the fire equipment through the town and helped to fight? I'd hate to see that happen today. But that's the way it all started.

There is a wonderful history of the firehouse and I can still remember the horses up on Troy Hill. We were the last firehouse in the City to lose our horses. We lost them in 1927. I think they forgot about us up there on the hill. But I can remember the excitement when we children, nobody told us that the horses were going out, but somehow or other we just sensed it. And even on the cobblestones when they would stream out of the firehouse, all the sparks would fly out from underneath their hooves. And also, if they didn't go out on a fire, the horses were exercised within a block parameter of the

firehouse.

So, there's a lot of history connected with the firehouses and I think it should be preserved. And we have a bell on ours and it puts us right at the top. Thank you.

Mr. Onorato:

Thank you, Mary.

The horses were gone in 1927 and we have horses in Downtown today. I just hope on Council that we're not asked to pull fire trucks again soon.

Let's bring up Don Dorsey who was the architect behind this project and he can explain exactly the procedure and how we arrived to the day on Sunday.

Mr. Dorsey:

I really want to remain mercifully brief today but what I want to remind you is that let this first for Troy Hill remind we who serve the City to keep our citizens always first. Thank you.

The Chair:

Thank you.

Mr. Darkins:

I'm going to ask that the Coach and the Principal of the Westinghouse High School 1993 Champs and the team come forth.

I'm so proud of these fellows comming today.

As you're aware, my colleagues on Council, I'm a graduate of Westinghouse and belong to the Westinghouse alumni. So I thought I would bring some decorations along today.

And those that are watching us today on television, it's of a truth. The Homewood-Brushton area has been an area that has been targeted in that nothing could come out of Homewood. And, of course, these fine illustrious gentlemen that are here today have made that legacy a lie and have become the champions of the City of Pittsburgh.

Mr. Darkins presents

No. 3573 WHEREAS, on Saturday, November 14, 1993, the George Westinghouse High School Football Team was crowned City League Champions; and

WHEREAS, the Westinghouse Bulldogs defeated 1991 Champions, Perry High School, with a 40-0 victory at South High Stadium; and

WHEREAS, the George Westinghouse Bulldogs Championship Team is comprised of the following players: Ramon Robinson, Morris Taylor, Darion Smith, Derrick Taylor, Monte Robinson, Ayo Young, Julian Bennett, William Heard, Kahill Morris, Donald Kidd, Farren Mason, Edward Caldwell, Shannon Campbell, Robert Dixon, Landriff Macklin, Edward Eberhardt, Jason Tyler, Jack Taylor, Frank Lockett, James Holmes, Victor Thorpe, Toby Henderson, Timothy Embry, Immanuel Deanda, Garry Miller, Mike Allen, Kenneth Harris, Dion Dupree, Mike Holman, Ramon Sims, Anthony Bradford, Jamar Jones and Omar Smith; and

WHEREAS, other members contributing to the success of the championship season include Head Coach, George A. Webb; Assistant Coaches, Leroy Dillard, Richard Scott, Fred Brown and Robert Burley; Principal, Lester A. Young; and Athletic Director, Lance H. Carter, Sr.

NOW, THEREFORE, BE IT

RESOLVED, that the Council of the City of Pittsburgh does hereby commend and congratulate the George Westinghouse High School Bulldog Football Team on their 1993 Championship Season, and further recognizes the team's efforts to be involved in activities that teach sportsmanship, using time constructively, and respect for others.

Mr. Darkins moved to adopt the resolution.

Mr. Ferlo seconded the motion.

Which motion prevailed.

Mr. Darkins:

I would like Mr. Webb to have something to say and also the Principal of our school.

I'm so proud of Mr. Webb. I've known him practically all his life and he is my neighbor right up the street. It's just beautiful. And the Principal is doing such a magnificent job at Westinghouse High School.

It's quite a difference from when I attended that school in the 50's. Quite a difference. When I graduated in the 50's we had some 347 students in our graduation class, so there's quite a difference at Westinghouse today.

Mr. Webb:

Thank you, Councilman Darkins. It's always a pleasure when someone else recognizes the efforts of our young people and Councilman Darkins said something to the effect that people have the tendency to think that a lot of negative things come out of the Homewood district. But we like to show that there is a lot more positive things that come out of the Homewood district and these young people are proof positive that they do work in many positive ways.

I'd like to thank City Council for recognizing these efforts for our young people and thank especially Councilman Darkins for inviting us here today. Thank you.

Mr. Young:

First, I'd like to thank Councilman Darkins, the entire City Council, and really the City of Pittsburgh for recognizing Westinghouse High School.

And I'd like for you to know also that we are using football and other athletic ventures as a vehicle to really make some beginning stitches in the whole fabric of higher education and bringing something positive back to the community.

If you look at the number on the team, there are a few students who are missing. But Westinghouse's team is small. The mascot of the team, the Bulldogs, and we go by saying that it's not the size of the dog in the fight but the size of the fight in the dog. We have a lot of fight in us not only on the field but off the field and in the classroom.

Councilman Darkins mentioned that over 300 graduated in his graduating class. Last year we had slightly over 160 and on graduation day over 60 percent of those were already accepted into some form of higher education. That's on graduation day. That's not to say how many went on to higher education over the summer.

This year we plan on topping that. A number of students who were with us here last year when we received this presentation on the football team are now in colleges such as Northwestern University, University of Miami of Ohio, and other schools across the United States.

This is just the start. Hopefully we can do this every year. Thank you.

Speaker:

Starting summer practice because a lot of seniors and everything was leaving. Nobody expected us to be back here. Nobody thought that we could win the championship. We proved the whole City wrong. We just had one mishap against Schenley, but they didn't even make it to the championship. We proved everybody wrong and embarrassed Perry and we're the City champs. And we intend on being up here and coming to these banquets every year for the future.

Mr. Smith:

I'd like to say to all of these young men, I'm a Schenley Spartan but it is very good. There has been a time-honored tradition between Westinghouse and Schenley and I'm very happy to see all of you there. My nephew was a Bulldog and he went on to college and he's presently doing extremely well. There is hope through hard work and I want to commend each and every one of you because what the public doesn't know is long before the school bells ring you are out there dedicating yourself and working hard. I think people need to understand and we also need to give you that extra encouragement that sports will bring about in your whole life's regime of discipline, of achievement. And I just personally want to say thank you for bringing to the City of Pittsburgh honor to our Council District 6 and Westinghouse High School.

Mr. Onorato:

Councilman Darkins, to No. 27, Perry is in my district and you realize the problems you just caused me.

I just want to say that I know Perry well and their Athletic Department and the fact that it comes down to two a lot of times and you have knocked them off twice now in a row. That's a

heck of an accomplishment and I think you should be congratulated for a good year and the sportsmanship you've shown over the year. Congratulations.

The Chair:

I'd just like to say that there's been a long tradition at Westinghouse going back to when I played against Westinghouse and you had some tough teams then too. So it's good to see you carry forward that tradition.

Thank you all for being here. Good luck and good job.

Mr. Darkins presents

No. 3574 WHEREAS, on behalf of the Board of Directors and Executive Staff of the Champions Association, Inc., we are proud to recognize and honor Mr. Franco Harris for his superior performance as a Super Bowl Champion with the Pittsburgh Steelers, as an inductee into the Professional Football Hall of Fame, and as an outstanding member of the Pittsburgh community; and

WHEREAS, we also want to salute Mr. Connie Hawkins for his remarkable accomplishments and perseverance as a member of the American Basketball Association, The Harlem Globetrotters, and the National Basketball Association, and most especially his induction into the Professional Basketball Hall of Fame; and

WHEREAS, last, but certainly not least, we want to applaud the magnificent and Nobel Achievements of Captain Ronald Cater, Jr., a Virginia Military Institute Basketball Hall of Famer and All American who played with the World Champion L.A. Lakers in the National Basketball Association and has gone on to become a powerful member of the Los Angeles

community in the area of community development and management, both locally and nationally.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh commends each and every one of the individuals for their successful undertakings.

Mr. Darkins moved to adopt the resolution.

Mr. Ferlo seconded the motion.

Which motion prevailed.

Mr. Cohen presented

No. 3559 Resolution providing for the leasing from the Bloomfield-Garfield Corporation for a parcel of land and building located at 5504 Penn Avenue, Pittsburgh, PA 15206, in the 8th Ward of the City of Pittsburgh for a term of up to five (5) years, beginning on January 1, 1994, and ending on December 31, 1998, with an option to be leased for an additional five (5) years, at no rental cost to the City. The Bloomfield-Garfield Corporation will assume all costs for utilities, insurance and furnishings for the property. The City of Pittsburgh, through the Department of General Services, will incur the costs necessary to install a lavatory facility on the ground floor of the property. This lavatory will be handicapped accessible in accordance with the American with Disabilities Act.

---(SPONSORED BY MR. COHEN & MR. DARKINS)

Which was read and referred to the Committee on Public Safety

Also,

No. 3560 Resolution providing for the issuance of a warrant in favor of Marsetta Lane Temp-Services, Inc., 1104 Park Building, 355

Fifth Avenue, Pittsburgh, PA 15222, in the amount of \$552.55 in payment for 52.5 hours rendered to Councilman Cohen for the month of November, 1993, chargeable to and payable from Code Account 1001-2, Salaries, Wages and Services of Council, As Needed, (Index Code 100123), City Council, District 8.
---(SPONSORED BY MR. COHEN)

Also,

No. 3561 Resolution transferring the amount of \$575,000.00 from Code Account 10, Accounts Payable - Prior Years, to Code Account 86, Carnegie Institute. This transfer is to be effective in 1994.

Which were read and referred to the Committee on Finance.

Mr. Ricciardi presented

No. 3562 Resolution providing for the issuance of a warrant in favor of Public Strategies, Inc., One Bigelow Square, Suite 616, Pittsburgh, PA 15219, in the amount of \$1,600.00 in payment for professional consulting services rendered to Councilman Eugene Ricciardi for the month of December, 1993, chargeable to and payable from Code Account 1001-2, Salaries, Wages and Services of Council, As Needed (Index Code 100123), City Council, District 3.

---(SPONSORED BY MR. RICCIARDI)

Which was read and referred to the Committee on Finance.

Mr. Smith presented

No. 3563 Resolution providing for the tolling of the 30-day deadline for reviewing the rates of TCI of Pennsylvania, Inc. for Basic Service, Installation and Equipment and extending the deadline to March 31, 1994

Which was read and referred to the Committee on General Services.

Mr. Cohen moved to suspend Rule 8 by providing for consideration of all the bills only until or after the 8th calendar day following the meeting in which the bills were introduced so the bills will be on the agenda this Wednesday.

Mr. Onorato seconded the motion.

Which motion prevailed.

The Chair presented

No. 3564 Communication from D'Ann Swanson, Acting Director, Department of Finance, submitting a report of deposits and the market value of securities pledged as collateral by City Depositories as of October, 1993.

Also,

No. 3565 Communication from Tom Flaherty, City Controller, submitting the Fiscal Audit of the Department of General Services Warehouse Inventory dated October, 1993.

Which were read, received and filed.

UNFINISHED BUSINESS

Mr. Ferlo:

Mr. President, we had asked last week for some information from Public Works and/or Public Safety regarding a situation with some employees. I raised the issue and I believe Councilmembers received a copy of a complaint letter.

I was just wondering if we got any response yet.

Mr. Perry:

I haven't received anything yet.

Mr. Ferlo:

Thank you. Could we please follow up on that?

REPORTS OF COMMITTEES

Mr. Cohen presented

Bill No. 3566

Report of the Committee on Finance for December 8, 1993 transmitting sundry ordinances and sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3391

A Resolution entitled, "Resolution providing for an Agreement or Agreements with a consultant or consultants for consulting services to assist the City of Pittsburgh in acquiring state assistance and funding and to work with various agencies of government for the benefit of the City of Pittsburgh during 1994, at an aggregate cost not to exceed thirty-thousand dollars (\$30,000.00) chargeable to and payable from Code Account 1017, Index Code 101709, Miscellaneous Services, Mayor's Office."

Which was read.

Also,

Bill No. 3449

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Two, Fiscal, Article I, Administration, Chapter 213, Investment and Divestment, by repealing Sections 213.01 Investments Prohibited, 213.02 Definitions, 213.03 Identification of Companies and 213.04 Enforcement, and also amending Article III, Depositories, Chapter 221, Contracts, by repealing Section 221.01 Definitions, Subsections (i) & (j) and Section 221.03 Requirements For Qualification, subsection (d), relative to the City of Pittsburgh conducting business with entities that invest in or engage in business with South Africa." ---**(SPONSORED BY MR. FERLO & MR. SMITH)**

Which was read.

Also,

Bill No. 3450

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Six, Conduct, Article V, Discrimination, Chapter 651, Findings and Policy, Section 651.04 Definitions, by repealing subsections (l) and (m), and Chapter 657, City Contracts, Section 657.03 South Africa Prohibitions." ---**(SPONSORED BY MR. FERLO & MR. SMITH)**

Which was read.

Mr. Ferlo:

I'd like my comments brought forward on Bills 3449 and 3450.

Mr. Cohen:

I also would like my remarks on those bills.

The Chair:

Please bring my remarks forward also.

(REMARKS AT END OF MEETING)

Also,

Bill No. 3465

A Resolution entitled, "Resolution further amending Resolution No. 1347 effective January 1, 1993, as amended, entitled 'Resolution fixing the number of officers and employees of the City of Pittsburgh, and the rate of compensation thereof, and setting minimum levels for designated positions,' by amending the Mayor's Office to add one title."

Which was read.

Also,

Bill No. 3466

A Resolution entitled, "Resolution designating Banks and Lending Institutions to act as Depositories for the 1994 in accordance with the Pittsburgh Code, Title Two-Fiscal, Article III, Depositories."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 3467

A Resolution entitled, "Resolution providing for an agreement or agreements with a consultant to assist the City of Pittsburgh for a monthly cost of \$7,200.00, chargeable to and payable from Code Account 1017, Index Code 101709, Miscellaneous Services, Mayor's Office."

Which was read.

Mr. Darkins:

On Bill 3467. I think that it should be brought to the attention of my colleagues on Council, and I'm sure they're very aware if they have read the documentation that is given from Civil Service for protocol of the employees of the City of Pittsburgh. It reads:

"All City employees and officials including but not limited to the Police Department and the Fire Department and Personnel shall be domiciled in the City at the time of their initial appointment and shall continue to maintain their domicile within the City of Pittsburgh throughout their term of employment with the City."

I have before me Minutes from an earlier

part of the year where in these Minutes that I am holding today that the same type of situation came up and we voted it down. We were opposed to it and here we are today going forward and contradicting our purpose.

This is the legislative body and we're supposed to stick with the legislation. We are the lawmakers of the City of Pittsburgh and I just can't see us sitting here voting for Bill No. 3467.

We're fooling the people because we're supposed to be the elected officials. We're misleading the people because we're supposed to be watching our tax dollars. And this is not really in compliance with what we say we're all about.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
Mr. Onorato	(Pres't)

AYES 7 NOES 1

(MR. DARKINS VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3468

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Two, Fiscal, by changing the Rate of Interest on certain delinquent Earned Income and Home Rule Taxes."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Also,

Bill No. 3474

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Helen Forkin, Friends of Woods Run Library, 1201 Woods Run Avenue, Pittsburgh, PA 15212 in the amount of \$350.00 in payment for professional services rendered to Councilman Dan Onorato for the month of November, 1993." --- (SPONSORED BY MR. ONORATO)

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3508

A Resolution entitled, "Resolution Repealing in part Resolution Number 1051 of 1992 which authorized the filing of a petition for the sale of property located at 5639 Rippey Street in the 11th Ward, authorizing and directing the Director, Department of Finance to return certain hand monies collected pursuant thereto and authorizing the Chief, Bureau of Building Inspection, to initiate condemnation and demolition proceedings." --- (SPONSORED BY MR. FERLO)

Which was read.

Mr. Ferlo:

On Bill 3508 from the Finance Department, I would ask Council to please continue to support the repealing of the proposed sale of this property.

I provided some information last week to this Council. Close to 50 adjoining property owners on Rippey Street, North Euclid, North St. Clair, have petitioned this Council with a plea, and that is that we move full steam ahead on condemnation of this property and its demolition. And that's the resolution that's before you.

This property is in complete disrepair. Condemnation took place first in 1989. The second condemnation proceeding was initiated by BBI in 1990.

As part of an effort to actually save this building, at least four years ago I had contacted Bloomfield-Garfield Corporation, Garfield Jubilee, East Liberty Development, Inc., and other groups who have not only public resources and expertise at renovation and rehabbing, but have the ability, possibly, to receive some foundation money similar to the 301 Roup experience.

None of that was capable by these groups. All of these groups, after thorough review and analysis and assessment of this property, agreed with the condemnation and demolition of this property.

The community is continually plagued. Adjoining property owners have lost their fire insurance. I have been inside this building. My first experience with this building was five years ago when I first got elected. I actually had to get the Fire Department, the tiller truck out there to empty out nine feet of water in the basement. All of the pipes and anything making up any mechanical in this house has been stolen and

sold, copper, radiators, plumbing, etc. It's in complete disrepair.

The resolution repeals any proposed sale. BBI has fully prepared quickly to move in with condemnation and I would ask Council to please support me on this issue.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3547

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Breachmenders, 200 Robinson Street, Pittsburgh, PA 15213, in the amount of \$200.00 in payment for professional services rendered to Councilman Smith." --(SPONSORED BY MR. SMITH)

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8 NOES none

And there being two-thirds of the votes of Council being in the affirmative, the bill passed finally.

Mr. Darkins presented

Bill No. 3567

Report of the Committee on Public Works for December 8, 1993 transmitting two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3469

A Resolution entitled, "Resolution granting unto Anthony J. Dorsch, 1500 Fall Street, Pittsburgh, Pennsylvania 15212, his successors and assigns, the privilege and license to construct, maintain and use at his own cost and expense, one 6" sewer lateral on a portion of Fall Street in the 26th Ward,

1st Council District of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3470

A Resolution entitled, "Resolution vacating a portion of Unnamed Way from Marcella Street to a point 115.02 feet south of Ridgway Street in the 5th Ward, 6th Council District of the City of Pittsburgh."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Ferlo presented

Bill No. 3568

Report of the Committee on Planning, Housing

and Development for December 8, 1993 transmitting one ordinance and two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3313

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article III, Chapter 921, Section 921.02, Zoning District Map No. 12, by changing from 'S' Special District to 'R4' Multiple-Family Residence District all that certain property having 105 feet of frontage on the westerly side of Lydia Street and bounded by: Lydia Street; Lot 35 in the William Barker, Jr. Heirs Plan of Lots, recorded in Plan Book Volume 19, Page 58; Raff Street; Lot 48 in the aforesaid Plan; Anthony Street; Raff Street; and the 'R4' zoning district boundary line located north of Alger Street; 15th Ward."

Which was read.

Also,

Bill No. 3314

A Resolution entitled, "Resolution approving a Conditional Use Exception under Section 993.01(a)A(33) of the Pittsburgh Code, Title Nine, Zoning, Article V, Chapter 993, to Greenfield Terrace Apartments, Inc. for authorization to construct a six-story structure with 40 units of housing for the elderly at 3908 Lydia Street and with parking to accommodate 8 automobiles on property zoned 'R4' Multiple-Family Residence District, 15th Ward."

Which was read.

Mr. O'Connor:

On these two bills, I believe I have Council's support and I want to thank them ahead of time. It will enable us to build the first senior housing in Greenfield. It will help a lot of people and the whole neighborhood is very thankful to all of you for what you've done. I look forward to a great project to help the City of Pittsburgh. Thanks again from all of us.

Also,

Bill No. 3472

A Resolution entitled, "Resolution amending Resolution No. 565, effective May 7, 1993, entitled 'Providing for the execution of a Cooperation Agreement or Agreements with the Urban Redevelopment Authority of Pittsburgh for the performance of certain work in connection with the 1993-1994 Community Development Block Grant Program, and providing for the payment of the costs thereof,' by correcting an index code number and eliminating the Central Relocation Agency line item."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner

(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. O'Connor presented

Bill No. 3569

Report of the Committee on Parks and Recreation for December 8, 1993 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3151

A Resolution entitled, "Resolution authorizing and directing the Mayor and the Director of Parks and Recreation to enter into a Lease and Agreement with the Zoological Society of Pittsburgh in connection with the taking over of the zoo operations by the Zoological Society of Pittsburgh and payment by the City to the Zoological Society of Pittsburgh of an amount not to exceed \$2,850,000 during the term of the Lease." (AS AMENDED IN COMMITTEE)

Which was read.

Mr. Cohen:

On the Zoo bill, 3151, I'd like to move by substitution the resolution that I believe everybody has before them. It makes just three changes and they result from discussions that we've had over the last several weeks.

The first amendment which is labeled Section 3 involves a performance audit to be

conducted at the Zoo. This is an amendment that I had suggested in talking about two aspects of this whole agreement, one being whether it's in the financial best interest of the City, and the other being whether the quality of the Zoo will either be maintained or improved. I wanted this in here just to ensure the quality which is a performance audit to be conducted.

In the lease itself, it's more explicit and it says that a performance audit has to be conducted by December 31, 1996 and then thereafter upon request of the landlord, the landlord being the City of Pittsburgh, every four years thereafter. So that's the first amendment.

The second amendment which was suggested by Councilman Onorato, and I'll defer to him on that, but the wording says that the lease and agreement shall provide that the tenants board of trustees including one representative of organized labor.

The third amendment is one really from the Administration that was also the case in the Phipps lease and the Schenley Park Golf Course lease. It says the lease and agreement shall provide for termination upon 180 days notice if the tenant is unable to operate.

So I'll defer to Councilman Onorato on his amendment if he'd like to speak to it, and I'd like to move the substitution.

Mr. Onorato:

On my amendment, Section 4, it pretty much explains itself in that a representative from organized labor will sit on the tenants board of trustees. Currently there's a representative from the Mayor's Office, a representative from City Council, and a private party represented on the board. I just feel that this will bring everyone to the table after the Zoo is put into private/public partnership and that organized labor will have at

least a say or an ear on the board to see what is happening from this point forward.

Mr. Darkins seconded the motion.

The Chair:

There's a motion to amend and a second.
All in favor? Opposed?

WHICH MOTION PREVAILED.

The Chair:

I'd like all of the comments brought forward, if no one objects.

(REMARKS AT END OF MEETING)

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Ricciardi
Mr. Darkins	Mr. Smith
Mr. O'Connor	Mr. Wagner
Mr. Onorato	(Pres't)

AYES 7 NOES 1

(MR. FERLO VOTING NO)

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Mr. Onorato presented

Bill No. 3570

Report of the Committee on Public Safety for December 8, 1993 transmitting one ordinance and two resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 2939

An Ordinance entitled, "An Ordinance supplementing the Pittsburgh Code, Title Seven - Business Licensing, Chapter 777, Mechanical Amusement Devices, by limiting the proliferation of Electro Mechanical Gambling Devices." --(SPONSORED BY MICHELLE MADOFF)

Which was read.

Mr. Onorato:

On Bill 2939, at the request of the sponsor, Michelle Madoff, I move to recommit.

Mr. Darkins seconded the motion.

WHICH MOTION PREVAILED.

Also,

Bill No. 3475

A Resolution entitled, "Resolution authorizing and directing the Departments of Public Safety, General Services, City Planning and Engineering and Construction to research, study and develop a Boot Camp Facility Plan within the City of Pittsburgh for youth offenders residing within the City limits." --- (SPONSORED BY MR.

ONORATO)

Which was read.

Mr. Onorato:

On Bill No. 3475, everyone should have in front of them minor amendments which were put in at the request of some of my colleagues at last Wednesday's meeting. I'd like to run through the amendments and just take them as a package.

On the front page, under Section 1, we added the wording after youth offender (violent and/or non-violent) because there seems to be a dispute over the definition over violent. It will cover vote. That's the County definition.

On Page 2 under Section 3, we added Subsection D and E. D, this is at the request of Councilman Wagner, they will include and look at federal military sites and also any other appropriate site outside the City of Pittsburgh.

Under Section 4 we added Subsection F, G and H. F is at that request of Councilman O'Connor that the Pittsburgh Board of Education also be included in the consultation.

G, City Council shall hold a public hearing to obtain community input just to make sure that we have everyone on board when we consult with the experts, that we also get testimony of the residents of the City of Pittsburgh.

H, at the request of Councilman Ferlo, to put in their private/non-profit groups as a possible boot camp administrator.

The Chair:

All in favor of the amendments?
Opposed?

WHICH MOTION PREVAILED.

Mr. Onorato:

On the bill, once again, this will just direct the Director of Public Safety along with other Directors and other Departments to put together a plan, a plan that will be presented to the Mayor and to City Council for approval, and then will be presented to the County for approval. It will have to be approved by the County. It is still a State function. It will be funded by the County, the State or the Federal Government, possibly a bond issue, but nothing will happen without final approval by this body and the Mayor of the City of Pittsburgh.

I think that it's very important because we are the urban center of the County, we are the largest municipality, and boot camp is a popular idea right now and it won't hurt for us to make sure that it's on the fast track. And that's what this bill will do.

Mr. Ricciardi:

I support the legislation put forth by Mr. Onorato who Chairs the Department of Public Safety.

For the last year, several or many of us have talked about the possibility of boot camps for our young people, not only a form of punishment but a form of really helping the young person get on the right track.

Mr. Onorato has taken this step to put us on the right track of exploring the possibility away from just talking about boot camps in the City of Pittsburgh to actually exploring the possibility of having them in the City of Pittsburgh.

I commend Mr. Onorato for putting this forward and I support this wholeheartedly.

Mr. Cohen:

I also want to commend Councilman Onorato for this very important bill.

When we had the crime summit, for lack of a better term, that Councilman Wagner brought together two weeks ago that included members of the judiciary, we had Judge Dauer there and Judge Strassberger there from the Criminal Division. And although they disagreed on some issues, one of the things they agreed on, if I recall, was the need for this boot camp alternative. So it's nice to see the support of the judges for this and I think it's another very, very important weapon in the arsenal of things that we can use to attack the public safety crisis. And I commend Councilman Onorato.

Mr. O'Connor:

I want to commend him too but mainly, as we pointed out, it's an alternative, not just a punishment. That's what everybody seems to be looking for, alternatives for the problem youth. I think it's a great answer.

The Chair:

I'd like my comments brought forward on the bill and I want to thank the Councilman for including at least a couple suggestions, as a matter of fact I think every suggestion that was made in Committee, by various members of Council.

And I think it does heighten the awareness of the discussion of rehabilitation. That's the problem today. Young people are really not being rehabilitated; they're simply going to juvenile centers or being put out on probation or whatever, and not going through any rehabilitation process.

I would hope that in the plan and the analysis that also a strong message could be sent, not just then but now and in the future, that if there's anything the federal government could do, President Clinton and Congress, that would be positive to the national crime problem, it would be to initiate a process nationally by which the federal government was involved here in a more sophisticated plan rather than us as municipalities having to struggle with these kinds of issues. The military concept I still think is the one that is a proven technique and could work again if they would simply initiate that process.

(REMARKS AT END OF MEETING)

Also,

Bill No. 3531

A Resolution entitled, "Resolution amending Resolution 315, effective April 16, 1993 entitled: Providing for the filing of an application by the City of Pittsburgh with the Department of Transportation of the Commonwealth of Pennsylvania for a grant in connection with the Federal, State and Community Highway Safety Program."

Which was read.

The Chair:

Is there any further discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Wagner
Mr. O'Connor	(Pres't)

AYES 7 NOES none

(MR. SMITH VOTING NO)

And a majority of the votes of Council being in the affirmative, the bills passed finally.

MOTIONS AND RESOLUTIONS

Mr. Ferlo:

Just a brief reminder that there is a public hearing Thursday morning on a zoning code change that I'd recommend in relation to provision for family child day care in the City.

I apologize for doing this so late in the year, but if I don't go through with the hearing and try to get Council to pass something at this point, I'm looking at several months into the next year with a new Planning Commission and starting the process all over.

Right now there are about a couple hundred family day care centers around the City that are about to lose in the first couple of months of next year their licensure certification by the State Department of Public Welfare.

So, I would really hope that Council could please, I know it's a busy time this week, if they could please attend the hearing and review the issue. And I hope that we can act positively and affirmatively on this issue prior to the close of this session.

The Chair:

Thank you, Councilman, and I would anticipate we could move that piece of legislation right on to Friday's agenda.

Mr. Ferlo:

I would hope so. Thank you.

Mr. Ricciardi:

Colleagues, along with all of you I have become very alarmed about the increasing violence throughout the City of Pittsburgh, especially in some of our more troubled neighborhoods. But now we're starting to see the results of that increase in violence, not only in terms of economic development and re-investment in the neighborhoods but in terms of the termination of many services that are going into some of our neighborhoods.

For the past several weeks I have been meeting with some community organizations and tenant councilmembers in my District 3 concerning certain shops refusing to deliver anything from a pizza to a certain appliance item. And now on the news this morning we hear that certain visiting nurse associations are very fearful and have terminated some of their services in our neighborhoods.

In District 3 I have two public housing communities and some other neighbors that have experienced this very ugliness of losing services because of either gang members or the increase in violence just in sporadic occasions.

This is another way that these neighborhoods are becoming isolated from the rest of the City of Pittsburgh. Several days ago I met with some of my members and we decided to have a meeting on that. From hearing reports today and speaking to Dan Onorato who Chairs

Public Safety, I see it's nothing that is rare to my neighborhood but really across the City of Pittsburgh.

I have spoken to Michael Perry and I have scheduled a post agenda on January 12, 1994 and invited the Director of Public Safety and the Chief of Police and several community organizations and public housing tenant organizations from my district. I'd like to extend this invitation to all of my colleagues, if any of you neighborhoods are experiencing this type of termination of services.

Basically, I believe we should explore the ways to ensure the uninterrupted delivery of service in our neighborhoods.

I have also invited the President of the NAACP to this post agenda. Hopefully he is in receipt of my letter.

There is no escaping the fact that many of our troubled neighborhoods are predominantly African American and I represent the third largest district in terms of the number of African Americans in the City of Pittsburgh after our esteemed colleagues, Mr. Darkins and Mr. Smith.

One answer, obviously, is the increase in police, the increase in police visibility and the increase in police accountability. But that's not the whole solution and I think it's proven that because we have increased the police force.

The other is to empower our own neighborhoods and residents and community organizations to really work with the neighborhood and especially the kids in the neighborhood. We have complimented the Beltzhoover Neighborhood Council for their TAP program; that's their Teenage Awareness Program. Over the last several weeks I have been working very closely with them and they have

met with over 200 young people in the Beltzhoover neighborhood. They tried and they have successfully corrected the problem. And services have continued in that neighborhood.

But I now would like to extend that into the public housing communities. I'd like to extend this invitation City-wide. It needs to be solved in the neighborhoods, not just corrected by City government.

So, again, I would like to welcome — It was going to be a private meeting just for District 3, but after speaking to Mr. Onorato and hearing the media reports today, I see it's nothing that is just rare to my district and I'd like to open up this post agenda.

We can't isolate these neighborhoods. They deserve their City services. They deserve services that need to be delivered from other agencies. And we can't allow these gangs and these terrorists to isolate the entire community because of their very vicious, illegal behavior.

Again, January 12, 1994, a post agenda meeting directly following our Legislative Meeting. Thank you.

Mr. Darkins:

Same issue. I can't call these gangs vicious, terroristic. I think we're missing as elected that we should be sitting talking with them. A lot of the things that are occurring and happening is because they want attention and they're not getting the attention that they really should have.

I hope through this post agenda that Councilman Ricciardi is calling for, that we will really get involved. We have to stop pointing our fingers at everyone else and take our fingers and point back at ourselves and say, are we really sitting and talking with these people. Are we

letting the news media assume and write things that are really not all true?

I think if we would take out the time throughout the City of Pittsburgh, whether it be in the African American communities or not, there comes a time that you have to sit down and talk with people, young people.

I hate to be religious here but it says, "Let us reason together". And that's what it's all about. I think that we have to sit down and start talking with these groups. I know in the Homewood area I have been invited to several of their meetings. I understand their frustration and their reason for things that are happening.

I definitely concur with Councilman Ricciardi that we don't have the sufficient programs that we need for our communities. I said when I was campaigning for the seat of the Mayor of the City of Pittsburgh that I felt that a new Administration therein Washington, D.C. under President Clinton would bring the proper appropriations, federal monies, back into the City of Pittsburgh.

When you think in terms of these 12 years and what happened to the United States across this Country, it's what drove our young people to the streets. It's what has caused these so-called gangs and groups, hoods, whatever it might be. And that was that federal monies was cut off. When the federal monies were cut off, our programs diminished and we had nothing else for our young people.

This seed was sowed and they went to the streets and they got involved in the drug trafficking. And they got involved because there was no help, there was no hope, there was no supplies.

As we continue to look into the future, we should take out time. I know that all of us are

busy but we have to take out time and talk with them.

I want you to understand because when I think about myself, not just as an African American but coming from a large family of 15 children, I found out that the greatest consolation was when someone would sit down and talk to us about our every day problems.

So, I hope and trust that when Councilman Ricciardi has the post agenda, I'm sure that Reverend Smith from the NAACP and I will join you 100 percent. This is what we have to stop doing. Let's stop procrastinating. Let us start sitting and talking. Let us stop looking at our young people walking the streets. We don't take out time. I know a lot of times riding along through Homewood, and I have to point it out because that's my district, that the hood groups or whatever it might be, I have time to stop the Jeep, roll down the window and talk to them. I say, "When is your next meeting? I want to come because I want to help you get directions in the right way." So I hope that a lot of good will come out of your post agenda.

Mr. Cohen moved to approve the Minutes of Tuesday, October 26, 1993, Wednesday, November 3, 1993 and Monday, November 8, 1993.

Mr. Darkins seconded the motion.

Which motion prevailed.

Mr. Cohen moved to excuse Michelle Madoff for absence from the meeting.

Mr. Ferlo seconded the motion.

Which motion prevailed.

The Chair:

I need a motion to recess this meeting and meet again on Friday, December 17, 1993 immediately following our recessed Standing Committees Meeting to deal with legislation and hopefully to vote finally on the budget.

Mr. Cohen:

So moved.

Mr. Onorato seconded the motion.

And on the motion of **Mr. Cohen**

Council recessed.

Pittsburgh, PA
Friday, December 17, 1993

And the time of recess having expired, Council was reconvened with all Members present.

The Meeting was opened by the recitation of the Pledge of Allegiance to the Flag of the United States of America, and a moment of silent prayer for peace throughout the world.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

The Chair:

The purpose of today's meeting is to finally vote on the 1994 Budget, and I believe we have one bill under Planning, Housing and Development.

REPORTS OF COMMITTEES

Mr. Cohen presented

Bill No. 3575

Report of the Committee on Finance for December 17, 1993 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3488

A Resolution entitled, "Resolution making appropriations to pay the expenses of conducting the public business of the City of Pittsburgh and for meeting the debt charges thereof for the year beginning January 1, 1994."

Which was read.

Also,

Bill No. 3489

A Resolution entitled, "Resolution fixing the number of officers and employees of all departments of the City of Pittsburgh and the rate of compensation thereof for the year beginning January 1, 1994."

Which was read.

Also,

Bill No. 3490

A Resolution entitled, "Resolution adopting and approving the 1994 Capital Budget and the 1994 Community Development Block Grant Program and approving the 1994 through 1999 Capital Improvement Program."

Which was read.

Mr. Ferlo:

I would like my comments brought forward on the Operating Budget discussion.

Michelle Madoff:

Would discussion on the Vulvar Pain Foundation be in the Minutes or would that be carried forward now?

The Chair:

If you would so wish.

Michelle Madoff:

I want it carried forward for posterity.

The Chair:

Unless there is an objection, please bring all members of Council's comments forward from the Standing Committees Meeting on the Budget.

(REMARKS AT END OF MEETING)

Mr. O'Connor:

I want to abstain on the St. Rosalia Food Bank money because I'm on the Parish Council there.

The Chair:

The abstentions at the Standing Committees Meeting would apply to final vote on the budget.

Michelle Madoff:

Mr. President, is this the time to comment on the budget as a whole, or should we wait?

The Chair:

Yes, it is.

Michelle Madoff:

Okay. I would like to thank my colleagues, despite our disagreements, one or two members that I have had fallings out with, and love and hate relationships. You know what they say in politics, you're never friends forever and you're never enemies forever. But without question, I hope the public understands that this is without a doubt the best Council this City has ever had in its history. Election by District was questioned but I think it has been proven to be very beneficial to communities and I personally want to thank my colleagues for their support.

And, as I leave this Council, I hope that some of the issues that I have raised such as the issue of negotiated bonds will be kept uppermost in your minds and know that you don't want to give the store away.

I will be available if you need any information or the history of what has gone on by telephone. I'll give you my number. And for major issues, I will be back here in the City from time to time and I will be working very hard to support good candidates as they seek office.

And I would like to wish Mr. Murphy the best of everything. He's going to be the next Mayor, we may have our disagreements. I supported his change, but I think you have to give whoever holds the title of Mayor your loyalty and support because we only have one Mayor and we only have one City. And it's after the fact that we should all unanimously wish him the best of luck.

Mr. Darkins:

Mr. President, understanding that my colleague, Michelle, said to me that this is going to be her last day here, I would like to imminently say to her that you have been the historian of City Council. Your knowledge and background of the organisms and the workings of Council has been great.

Michelle, we're going to miss you. I don't know what others may say, but we're going to miss you. As I travel through the streets of Pittsburgh and even through your own Council District, you're going to be missed. And I definitely want you to come back. I might need some of your counseling. I might need some of your advice.

I pray to the Lord that you will have continued health, great success and, above all, that you have happiness for the rest of your entire tenure here in life.

Mr. Smith:

On the budget, I just want to say that this is the first budget, and Michelle's last budget with the City. I feel very honored that when no one else in the City Administration would touch me, Councilwoman Madoff brought me back in here. We went through a budget period together. She taught me an awful lot.

I want to say thank you for all of the information that you have shared with me, the knowledge you have imparted, and I will probably end up being the same pain that you have been to my colleagues in order to keep them on target, honest and straight on a path for the citizens. I think that you have given a great service over a number of years and I just wanted to thank you for the budget process that you have taught me.

The Chair:

Just as a point of clarity, this is not our last meeting of the year.

Michelle Madoff:

I promised to be back for the Budget, Mr. President, and I kept my word because I always keep my word, as I promised Mr. Ferlo that I would come back here on the billboard legislation and I was here. And I promised the Administration that if they needed me on the Zoo legislation that I would be here. And even the media reported accurately by saying that's all that I'm required to do, as far as they're concerned.

The Chair:

But we will be meeting Monday, as required by the Charter, and possibly one additional time if there are any vetoes in our budget.

Michelle Madoff:

I'll fly back or drive back for two days again if you need me if there's a problem with the veto.

The Chair:

Thank you.

Is there any further discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Michelle Madoff	Mr. Wagner
Mr. O'Connor	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bills passed finally.

Mr. Ferlo presented

Bill No. 3576

Report of the Committee on Planning, Housing and Development for December 17, 1993 transmitting one ordinance to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3055

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Nine, Zoning, Article I, Administration, Chapter 903, Definitions, Chapters 931 through 943 to include family day care home amongst the permitted uses in certain residential districts.

---(SPONSORED BY MR. FERLO)

Which was read.

Mr. Ricciardi:

I would just like to take this opportunity to salute and commend Councilman Ferlo for bringing this legislation forward through the Planning Commission process because, without that, from the new regulations from the State,

dozens of child care providers here in the City of Pittsburgh and possibly hundreds of children would not have had the service offered to them. And because of his fast movement and because of his vision, we now can hopefully help them continue to provide services to children, to working members of the family, in order to have the parents be able to get out there and work and keep their jobs.

So, I'd just like to thank Mr. Ferlo.

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Michelle Madoff	Mr. Wagner
Mr. O'Connor	(Pres't)

AYES 9 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

The Chair:

Procedurally, each year we ask the Finance Chairman if he would like to come up and say a few words in regard to the budget, and I would like to do that now.

1993 has been a difficult year for Council in a number of different ways, but probably the most difficult aspect was the loss of one of our

colleagues, Councilman Jake Milliones. As all of you know, he was the Finance Chair in the beginning of this year. After his death, Councilman Cohen took over the position. And I must say, as President of Council, he has done an exceptional job.

So, I would like to now introduce Councilman Cohen to say a few words in regard to the 1994 Budget.

Mr. Cohen:

Thank you for those words, Mr. Wagner.

It has been a privilege to be Finance Chair this year. I just want to take a brief moment to congratulate all Members of Council on passing a balanced budget without a tax increase on time.

I know it has been a long and arduous process but I think it has been a very responsible process and every member of Council has been responsible in that process.

I was just thinking about this today, every amendment that was introduced on Monday in the Operating Budget or Capital Budget or even today, was done in a way that was revenue neutral. If there are any programs added or whatever, there was always a corresponding cut to make sure that every amendment was revenue neutral. And I don't really recall that in a long time and I think that means that Council is really moving forward.

So, I want to thank all of you for helping me.

I also particularly want to thank the budget staff, Mr. John Mascio and Mr. Dave Keller, for working so very, very hard to get this budget passed again on time in a way that was balanced and without a tax increase.

So, thank you, Mr. Wagner, for the privilege to be Finance Chair this year. Thank you all for your cooperation. And although Monday is going to be our final meeting, I want to wish every one of you a happy and healthy holiday and a prosperous New Year. Thank you.

The Chair:

Thank you, Councilman Cohen.

I have just been informed by Mr. Perry that we have to entertain a motion that our budget staff can make all appropriate corrections to the budget over the next several days where any obvious minor bookkeeping errors are found.

Mr. Cohen:

So moved.

Mr. Onorato seconded the motion.

WHICH MOTION PREVAILED.

Mr. Cohen:

Mr. Wagner, I had an omission and I want to clarify that omission. That is, also Mary Jane Erdel in the Budget Office who also devoted a great, great deal of time to get this budget passed. I want to thank her personally also.

The Chair:

I'd like to add Mr. Perry, the City Clerk, Linda Johnson-Wasler, the Assistant City Clerk, and their entire staff works extremely hard this time of year, under a lot of pressure that all of us put on them, to be frank about it. They have done an exceptional job year after year after year and I can't compliment them, along with the budget staff, enough.

We operate with a small number of

people, approximately 20, and when you really look at all the interaction with the public that goes on through the City Clerk's Office, year after year they do an exceptional job. If you go back several years, that number was about 26. Today, it's 20 and the output is even greater today than it was then. So I can't compliment them enough. Thank you.

Michelle Madoff:

Mr. Wagner, you and I have had our really raging battles.

The Chair:

We have?

Michelle Madoff:

Yes, we have. There have been times we haven't spoken to each other and we've been adversaries. But I think it's appropriate at this time as I leave Council to thank you for the way you conduct the meetings. You really forgive past sins and past differences. And I hope that you go on to a very productive life in politics because I think that's where you want to be. And I think that you will serve the community well. And coming from me, that's a big something.

The Chair:

Thank you.

Mr. Ricciardi:

I'll be very brief. I'd just like to commend Mayor Masloff because during her tenure she continued to present Pittsburgh City Council balanced budgets without tax increases. As a matter of fact, over her years in the Mayor's Office, she cut the wage tax twice. And there's a litany of accomplishments that I could point out, including more police officers ever in the City of

Pittsburgh.

But there was one thing that she did quietly through her tenure and I think we've all experienced this in our neighborhoods. And that's what she has done to our infrastructure. I have seen more City steps, more retaining walls, more work to our roadways done under her Administration than ever before. We could pinpoint what we've done to our recreational facilities in terms of our tot lots and recreational centers, including our senior centers. She's done that quietly. She has never spoken up and tried to take credit for that, even though I've mentioned it several times to Director Turner that she was really accomplishing a lot with our infrastructure in our neighborhoods.

I want to thank her for the work she has done in District 3 and throughout the City.

Also, I thank Councilmembers Wagner and Michelle. I thank you for the pleasure of working with you. It has been very productive for me and I look forward to continuing my relationship with both of you. Thank you.

Mr. Darkins:

Mr. President, if I could just have your indulgence here a minute, I'd like Michelle to come up.

Michelle, I just can't have you going back down to South Carolina. I do this on many occasions. Today, Michelle, I'd like to present to you the Councilman's Cup.

Michelle Madoff:

Thank you.

The Chair:

We need a motion to adjourn this meeting

and meet again on Monday, December 20, 1993
at 10:00 a.m.

Mr. Cohen:

So moved.

Mr. Smith seconded the motion.

And on the motion of **Mr. Cohen**

Council adjourned.

(BEGINNING - MESSRS. FERLO, COHEN AND WAGNER'S COMMENTS ON BILLS NO. 3449 AND 3450, WEDNESDAY, DECEMBER 8, 1993)

Mr. Ferlo:

I want to add a couple footnotes. First of all as Councilman Smith points out, during that whole municipal battle that ensued in 1985/86 around the passage and adoption of this legislation, in fact the corporate community and some of the more conservative community locally did tout what Mr. Smith is talking about, that doing this would be devastating to the City's investment portfolio and would cost money. We used this in an adversary way to those who wanted to support the disinvestment movement. I would point to maybe Director Turner could find this better than I.

This Wharton School did a study four years ago which did an analysis of disinvestments in South Africa and looking at municipal pension portfolios and their conclusion was basically that both investment free portfolios and those that continue to invest, that there was not a substantial difference between the two. They were attempting to refute the adversaries who are saying that disinvestment on the part of a municipality or a state pension fund would be detrimental and I would point to that study.

Mr. Turner:

I'm not familiar with it but we'll try to find it.

Mr. Ferlo:

I urge that we move on this today. I think Mr. Smith has pointed out rightfully the context in which this legislation was passed by the Pittsburgh community and I think we should feel proud of the history associated with this battle but that now that we have a fundamental social and political change, a historical change in South Africa and the plea and the cry from that community now including the African National Congress is to indeed have the world community that was successful in isolating apartheid and unite in assisting a very fragile democracy and an economic climate that is very fragile in South Africa, so now is the time for us to reverse the long standing isolation and really come to the defense of struggling people.

The Chair:

I think these are very appropriate bills and I commend the sponsors of the bills. I just pray that the constitution that was worked out between Mandela and deClerk does get implemented without further bloodshed and violence and that we ultimately see a repulsive system of apartheid be finally dismantled. I hope that it does happen the way it looks like it will but you

never know so I think this is a positive step to try to begin the economic revitalization of South Africa under a true democracy. Thank you.

The Chair:

I will support it. All those in favor signify by saying aye? Opposed? The ayes have it.

(END OF COMMENTS)

PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

(BEGINNING - COUNCILMEMBERS' COMMENTS ON BILL NO. 3151,
WEDNESDAY, DECEMBER 8, 1993)

Mr. O'Connor:

Last week I had lengthy discussion so I'll keep my -- I have actually two questions and then I'll open the floor for my colleagues. Mr. Turner, could you tell us as you see the major benefit of doing this, making it private.

Mr. Turner:

As you know from many prior appearances here, this is consistent with what we have been trying to do in an effort to regionalize a number of our major facilities. Obviously the Zoo is the largest of those that we have done to date. We believe that it ultimately enables them to operate more efficiently that they can raise money privately far better than city government can and that in the long run over the course of this lease it will save large sums of money to the city taxpayers and equally as important it now means that the burden which largely has been borne almost entirely by city residents, it's another way of regionalizing the facility.

Mr. O'Connor:

I'm presuming we'll vote on this today and I'm doing it only for the reason that you said you lukewarmly convinced me that it will bring in a lot more money through private sectors that will save and benefit the taxpayers of the City of Pittsburgh and spread the regional cost out and that's the only reason I would vote for it.

The second question and last question -- I have had a lot of calls -- not a lot, actually a few calls from some concerned employees and if this goes through since it won't be under Parks and Recreation or anybody in the city, if there are employees grievances. Now I know employee grievances can come from "I didn't get my day off" or "I didn't get the promotion or a raise I was entitled to". Now how would that be handled now?

Mr. Turner:

For 1994 the employees will have the exact same process that they have currently in 1993. They have the full benefits and protection of the union contract during that period and they would go through the grievance process and procedure just as they do now and if ultimately resolution wasn't achieved then it goes into an arbitration system but it's unchanged.

Mr. O'Connor:

Right now if you have one of these problems and they can always go around you -- almost any business can go over to the manager or the CEO or in this case they can go to Reggie Young or something.

Mr. Turner:

They would go to our Labor Relations Office is the proper chain and that is where they would take that. If it's not settled at Barbara's step then it would go to the City's Labor Relations Office where it goes now and if it's not resolved there then it would go into an arbitration system.

Mr. O'Connor:

They still have the benefit of going to the City Labor Relations.

Mr. Turner:

Yes.

Mr. O'Connor:

I'm presuming 99 percent of these problems are hopefully solved at your level.

Dir. Baker:

They certainly are. As a matter of fact that is a good point. We have had excellent relationships with the bargaining units and in this process, the grievance process at the Zoo. For example, we haven't had a single grievance at the Pittsburgh Zoo in 1993 and Councilman, you've met some of my employees and I think if they had a legitimate concern they certainly would have aggrieved it.

In addition, in the three and one-half years that I've been at the Pittsburgh Zoo we've only had six grievances filed against management the entire time. Three of those I upheld in favor of the employees, so we've certainly had a very good record in working with the process at the Zoo.

Mr. Turner:

Even if that would change they would have the same rights, privileges that they have now.

Dir. Baker:

We're very comfortable with that process.

Mr. O'Connor:

Last year nothing went beyond you and there are two other steps in case there are problems.

Dir. Baker:

Yes.

Mr. O'Connor:

Thank you.

Mr. Ferlo:

Given the change of what this agreement is now as opposed to what it was supposed to be a couple months ago, why not make this a one year management agreement with the Zoological Society and/or Dr. Baker's administration? I'm confused in trying to reconcile the new agreement in terms of this one year relationship with the collective bargaining.

Mr. Turner:

Because under a one-year management agreement I do not believe the Zoo Society could effectively begin any long-term planning, any fundraising efforts on long term. Whereas what this is, it's the first year of a 29-year lease agreement with options. There are things that can happen based upon what happens in the collective bargaining process but the difference they enter into it with the intention and the understanding and the strong desire from all parties that that will be resolved as part of the normal collective bargaining process and they are going to start in Day One going to improve that and to raise money and to begin the capital improvement planning.

Mr. Ferlo:

The history of the zoo, that flies in the face of the historical situation at the Zoo.

Mr. Turner:

We never had this situation.

Mr. Ferlo:

I don't mean the collective bargaining agreement but your comment about the issue of fundraising and being in control of a master plan in effect or in fact historically both this Council and to the previous administration it has been the zoo administration, the Zoological Society and/or the Friends of the

Zoo that basically and in a fundamental way have formulated the long-range master plan in cooperation with this administration.

Mr. Turner:

Let me disagree with that --

Mr. Ferlo:

-- that point and also the issue of fundraising. The Zoological Society and/or its predecessor Friends of the Zoo has in fact raised money. You say that and I appreciate it but I don't understand how you say that when the history should suggest that just the opposite.

Mr. Turner:

Let me go through some of the history because this was during the Caliguiri Administration and when I was the City's Budget Officer, at that point in time and I'm going to estimate the numbers because I don't have them memorized but at that point in time there was a \$12 million major capital campaign that was put together by Louise Brown who was the Parks Director and initially it called for city funding of approximately \$2 million with all the rest coming from various other sources including privately raised funds. I think when all was said and done about five years later, the \$12 million project turned into about a \$16 million program and somewhere between \$12 million and \$13 million of that came from city funds. It was at that point in time that we knew we could not from a debt service standpoint, from a capital borrowing standpoint be able to do that. Now it is absolutely accurate that in the past couple of years the Friends group have done a better job than we saw historically but there is no doubt in my mind, none whatsoever that they are hindered by the fact and I don't even like this reason because I'm a government employee and very proud of what we have done but there's no doubt in my mind they're hindered by the fact that they're a government entity. We are viewed as the deep pocket and people do not easily, willingly or readily from a foundation, from a private source, contribute to us. Do they do some? Yes. Will they do in my opinion much more privately? Yes.

Mr. Ferlo:

Historically my point is in fact that fund raising and support has been generated independently of the operating budget.

Two, it's also a question of what the management was in the past and what the emphasis was and whether or not we put resources in to generating that income. Historically there may not have been a development director or fundraising director or

a grantsperson and things of that sort. In and of itself because of the fact that we were the sponsoring entity did not necessarily mean that that didn't happen for that reason. It didn't happen because the staffing wasn't in place to go out and put together the master plan to work with the foundation community to write the proposals, to generate the dollar support. That came more recently where it was in place and we saw results.

Mr. Turner:

I had the opportunity to talk with zoo people as part of this process over the past year and one-half from all over the country, both those associated with public facilities and those associated with private facilities and these individuals unanimously have agreed that you can raise more money privately than you can as part of the public.

The point that I was trying to make earlier is that our private efforts, our prior efforts at matching funds have been wildly unsuccessful in terms of the private dollar. There may be extenuating circumstances you just listed. But the question in my mind as to whether or not; (a) can we afford to continue the debt service obligations or increasing that at the Zoo the answer is no and (b) can they raise far more money on their than with us? I believe they can.

Mr. Ferlo:

That's why I support the assets district and that's why I'm still hesitant to give away one of our amenities.

Could you explain in practical terms -- I understand the legal transfer in terms of collective bargaining agreement in that relationship. What administratively will be in effect the relationship for the next year. You technically have these individual employees being city employees under the collective bargaining agreement but you're transferring the management to Dr. Baker as the CEO or the Director or whatever you want to refer to her as and how is that legally described and/or how functionally will that happen? Will someone else discipline those individuals?

Mr. Turner:

No. Discipline will be done as it is done today, the same way. The grievances will be done the same.

Mr. Ferlo:

Is that stated somewhere in the agreement?

Mr. Turner:

We'll state it if you'd like, it's not necessary.

Mr. Ferlo:

I understand that what you're saying that you'll maintain the collective bargaining agreement for the year. So technically you're having a third party individual Dr. Baker and/or the Zoological Society Board supervising people that are not technically under their chain of command.

Mr. Turner:

That is not as unusual as it sounds. If you think of it for example from a bargaining unit standpoint, we routinely have one bargaining unit supervising and disciplining another. It's not unusual to have a management group come in and supervise and discipline other ones.

Mr. Ferlo:

Is that stated somewhere in this agreement?

Ms. Conturo:

The provision that we put in last week clearly states that they are employees of the City and in being employees of the City that brings with it all the power for discipline, the right to discipline, the right to hire and fire.

Mr. Ferlo:

By Director Young, that's what I'm trying to understand.

Ms. Conturo:

What would happen is the management group would make recommendations to the City and the City would have the authority to --

Mr. Ferlo:

-- so actually you have to administratively when something happens Dr. Baker in effect would have to go to Director of Parks.

Ms. Conturo:

That's correct.

Dr. Baker:

That is the same thing that happens now. I always make a recommendation to Director Young in regards to personnel matters.

Mr. Ferlo:

You're saying that's stated somewhere.

Ms. Conturo:

In the new language that was put in last week. We can make it more explicit if you'd like.

Mr. Ferlo:

The section that deals with parking at the Zoo and the maintenance and the parking facilities, I understand the scenario where we would continue providing maintenance and snow removal. What is the 50-cent per vehicle fee? Why if we are doing the work would we then pay the Zoo Society a fee of 50 cents per vehicle?

Mr. Turner:

That is in recognition. The City heavily uses that parking facility now for a variety of reasons. We do police training there, we run our new fire equipment there, our refuse trucks use it. When we use the farmer's market these are all city activities that clearly affect the cost and the upkeep associated with the parking facility. So this is an essence a payment for the ability of continuing to use that.

Mr. Ferlo:

We are the ones paying for the snow removal and maintenance and repair of the parking lot?

Dir. Baker:

No, it's not currently true. Maintenance and repair is done by our staff. The only thing that's included in here -- what you're referring to Councilman is the repair and maintenance on the access road to the asphalt work area behind the parking lot and that is an access road that is used by the asphalt plant to get their reclaim area back there. That is the only area within the parking lot right now that my staff does not currently maintain and repair.

Mr. Ferlo:

We have one common access road. If you go straight down the road you go into Heth's Run area where the division is.

Dir. Baker:

It's about 100 feet where there's a common road. There's two different areas of the Zoo that we're actually talking about and I think that's where the confusion lies. There's a short access road off of Baker Street that is about 100 feet long and then the area splits there into an area that is the Zoo's parking lot and has always been historically and then there's another access road for the asphalt plant to get to their reclaim area. The only area that the City in regards to other departments besides the Zoo has ever maintained or repaired is that access road to the asphalt plant. The Zoo currently cleans, maintains and repairs the Zoo parking lot and the Zoo's road into our parking lot.

Mr. Ferlo:

Why wouldn't we pay you for whatever we compute as the direct costs that you incur? I'm trying to fathom this 50 cent per vehicle as opposed to just reimbursing the Zoo for whatever the expenses are.

Mr. Turner:

You can do it a lot of different ways and after lots of exploration we simply concluded that a simple way of doing it would be to reimburse them for that amount based on that because we do heavily use the facility and we wish to continue to do that without interruption.

Mr. Ferlo:

I'm still confused. If new asphalt were laid on the parking lot or roadway --

Mr. Turner:

-- they would do it.

Mr. Ferlo:

Why wouldn't we just pay for whatever those costs are?

Mr. Turner:

What we are saying is they have historically maintained and repaired this and they will continue to do that and as a payment

that permits us in essence to continue to heavily use that facility we came up with a 50 percent per car, no more.

Dir. Baker:

There's limited parking in the lot. The actual cost of a peak year would be at \$50,000.00 and that's on a peak year.

Mr. Ferlo:

The agreement -- if Council is the legislative body that is initially approving this contract, why wouldn't it then also be some future council that would decide on the continuation as opposed to under this agreement some reference to some independent body or some independent group.

Mr. Turner:

We modeled this after the Phipps agreement.

Mr. Ferlo:

If the legislative body is the one that's doing this initially it should be the same control body that would continue the relationship.

Mr. Turner:

For which series of options?

Mr. Ferlo:

For any. I think it's the latter option that is suggested.

Mr. Turner:

I think the way this reads is obviously we're entering into a 29-year agreement then the first set of options basically are as long as they are continuing to operate the Zoo financially, responsibility and professionally then we wanted them to continue to do that. That enables them to continue even in year 16 and year 20 of this agreement to continue to go out and raise funds privately and aggressively for long-term improvements. The concept of an outside party was to give the City protection that if at that point in time this Council or the new mayor didn't believe they were operating it properly then we could go to an outside party to make that determination.

Mr. Ferlo:

I don't have a problem with an outside party playing an advisory role in terms of evaluating the performance of the Zoo or the management or whatever its fiduciary function is of staff

or the condition of the animals or the Zoo itself but legally I still think the initial body that approves this should still be the same body that approves any long term leasing arrangements and amendments.

Mr. Turner:

That is the case after that first amendment. In other words a 29 year lease and one 21 year option.

Mr. Ferlo:

If we get the regional assets districts or some other arrangement whereby some future governmental directed revenue source comes to the Zoo as one of the cultural amenities, why should there be a dollar for dollar cut? In other words, the way this agreement says, it says that we would -- it's a one for two dollars as opposed to a one for one. Why shouldn't it be a one for one? The whole purpose of the cultural district was to relieve the financial burden from the City --

Mr. Turner:

-- I disagree there and this is an important distinction. The concept of the regional asset district is to do many things. First and foremost it is to improve the financial condition and to ultimately improve these regional assets. Does it help the city and county by removing a financial responsibility to them? Yes, but the principle purpose of it has been from the conference standpoint is to set up a district that will enable us to protect the crown jewels of the region and to improve them. The concept of the two-to-one ratio is in line with that. The district isn't being set up simply to replace our funding, it's being set up to enhance them and to replace our funding. This way there's an assurance that that happens in that scenario because that enables them to get adequate funding and on a two for one basis it would take us out. Now, having said that --

Mr. Ferlo:

-- first of all, I don't disagree with the way you paraphrase the goal of creating the asset district. Obviously it would not only be to ensure the minimal viability and hopefully there will be enough revenue to increase the viability not only to the Zoo but the district or some of the other amenities that hopefully will be a part of the district, so I don't disagree with that. But in saying that you had said all along that part of the whole administration emphasis of why we need to do this now and why we need to do this quickly is to relieve the burden in terms of the City's operating budget, the debt service to the City, etc. If additional resources come to the Zoological Society and the new zoo group, whether it be the dedicated revenue from the asset district or foundation support

because of renewed efforts or increased efforts in that respect or wherever, I mean, we should be the beneficiary of that on the operating budget.

Mr. Turner:

Right. And this has been set up in such a way that everyone achieves their goal. The people that aren't really interested in seeing us achieve financial progress but are more concerned with the assets see that the assets do benefit and yet we all know from the concept as it is currently proposed that there would be sufficient money in short order that we would be relieved fully and they would be enhanced.

Mr. Ferlo:

If we're giving up the Zoo basically on this arrangement long range which we effect are, why shouldn't we then give up the financial commitment that we have to make? I mean, part of the emphasis here is that the cultural district would generate revenue and/or the foundation community and/or regionally the burden for the Zoo would be shared. Why not initially make it a one-for-one dollar swap and then if more money is generated, it's up to some future council or some future operating budget to decide what additional resources. We may want to say we'll support a capital project as part of a challenge grant to a foundation.

Mr. Turner:

I believe that if the regional district which by the way is only out of one committee so for any of us to begin banking on that I think is a big mistake. I believe if the regional asset district as proposed passes, we will be relieved of our financial responsibility totally and they will get more money and that both of those goals are important to the people that have created the bill and that are pushing the bill and the two-for-one is again consistent with what we've done prior.

Mr. Ferlo:

We're giving up the revenue that we get from the Zoo but you're also asking us to maintain one for two. We give them two dollars for the one that we get --

Mr. Turner:

-- we don't give anything. It's for every two dollars they get from outside sources it relieves us from \$1.00 commitment. So what it means is they get more money than they had and that's consistent with what the regional asset district is designed to do and we will be relieved of our responsibility even on a two-for-one ratio.

Mr. Ferlo:

Will this formula -- can we be assured that this formula will be followed by the County and the other entities that would end up as part of the cultural assets district?

Mr. Turner:

We're looking at it the wrong way. As long as we are relieved of -- what we can be assured of is that we will be relieved of our financial responsibility to the same tune that the County is of theirs should the regional asset district pass in its current state as proposed, that I'm confident of.

Mr. Ferlo:

Giving up the zoo income.

Mr. Turner:

And the expense. It does not operate at a profit; it never has.

Mr. Ferlo:

Part of the goal -- the emphasis of this deal in the first place otherwise we should just maintain it ourselves is to -- as you said initially -- to get other and broader funding sources for the Zoo.

Mr. Turner:

Principally on the capital.

Mr. Ferlo:

So as that money comes in we should be relieved of that burden on an equal basis.

Mr. Turner:

And we will be. If this regional asset district bill passes as is, I'm very confident that we will be relieved totally of our financial responsibility and they will get theirs and they will get their money they need to operate better than they operate now.

The Chair:

Other discussion?

Mr. Ricciardi:

First of all I'd like to thank Councilman Ferlo because he has done good research and I think he has articulated some of our concerns and asked very pointed questions and I'm very comfortable with the answers.

People can disagree with me but the reason I took part in this entire process of public/private partnerships was because we were trying to stay within the revenues that we're collecting from taxpayers in the City of Pittsburgh and we could no longer afford to continue operating some of these regional assets such as the Aviary, the Golf Course, Phipps Conservatory and now the Zoo. So what we were trying to do is obviously as Mr. Onorato has stated prioritize our services that we wish to deliver to the taxpayers. Obviously public safety is very high and infrastructure is very high including picking up the garbage and snow removal.

Another reason I took part in this entire process and one that I still support is one of fairness and that is that the city taxpayers we're really subsidizing these facilities for the entire region. I know including myself growing up in the City of Pittsburgh I did not attend many of these regional facilities often and as a matter of fact I don't remember being at the Aviary more than maybe two or three times, so why should the taxpayers in the City of Pittsburgh continue to operate some of these or continue to take on the burden when they don't even attend them. I think if you ask a lot of senior citizens across the city that are really having trouble making their expenses just to live here in the City of Pittsburgh that they're willing to give up some of these facilities.

(AT THIS POINT, I WAS TEMPORARILY RELIEVED BY HELEN L. KRIEBEL)

(CONTINUED ON NEXT PAGE WITH NO LOSS OF CONTEXT)

MARY ANNE HRUSKA
STENOGRAPHIC REPORTER

Mr. Turner:

They've spent \$1 million of their funds in doing that to date.

Mr. Wagner:

-- the point I'm making is that what is proposed with the Zoo can be a continuation of the enhancements that have been made at the Zoo just as the Aviary has improved dramatically in the last year and one-half, it is now the National Aviary. Phipps has improved dramatically, Schenley Golf Course has improved dramatically. I feel very confident that the Zoological Society and this public/private partnership will do the same at the Zoo and that is the reason why I'm voting for this proposal. It's in the best interest of the Zoo, it's in the best interests of the region and it's in the best interests of those employees at the Zoo because if we don't have the money here as a municipal operation to fund the Zoo, there would have to be cutbacks at the Zoo. Consequently we are doing the right thing for that magnificent facility and for the future of the city and future of the region to have a tremendous cultural asset. So I'm voting for this today. I think we need to vote it up or down today and it's very important for a number of different reasons. Budgetary reasons, the employees at the Zoo, the people that have worked so hard on the proposal and I'm hopeful that we will do that. I support the proposal and I want to ask one last question and I have been asking this for years and Director, we have talked about it, we have had meetings about it and previous directors have and we still need a transportation mechanism identified for the Zoo and possibly for the Aviary and The Carnegie and whatever but I have always been the proponent of having a zoo bus, something that is fun for young people to ride and whether it's the new public/private partnership or it's the regional assets district or however funding with the Port Authority can be arranged, I would simply like all of you to make a commitment to do that. No matter how magnificent of a facility we have, if we don't market it and if don't create the ease in traveling to it and have a continual identification of where it is, and a lot of people don't know where the Zoo. That's hard to believe but there are city residents that don't know where the Zoo is and it gets back to a point that I have made here for literally years that we need to create that identifiable transportation mechanism from the heart of the Golden Triangle to the Zoo on a regular basis, we need to advertise that all the time. And by me relinquishing to some degree the City's ability to oversee the Zoo operation I'm asking you simply to make a commitment to do that.

Dir. Baker:

We are halfway there. We do have two buses that terminate at the Zoo but we are still working on trying to get one that

will be easily distinguishable but we're very committed to that and I think it's an excellent idea.

Mr. Wagner:

I'm not content with what is there presently. I'm not content with a normal Port Authority bus. I want really something that is funded by a public/private partnership, a regional assets district, conjunction with the Port Authority and as I have said a bus that was constructed or reconstructed that had examples of the various types of animals at the Zoo that was fun for children to ride would be a magnificent idea and a continual every day marketing tool for that facility and a reminder to go to the Zoo. So I would like you to make that kind of commitment that would get even more sophisticated and how you do that beyond simply using Port Authority routes with Port Authority vehicles. Not that it can't be a Port Authority driver, it probably should be but it needs to be something -- we need to make a bigger step here to make sure that people know where the Zoo is and how to get to the Zoo.

Dir. Baker:

We are certainly committed to that and we'll do our best.

Mr. Wagner:

You'll absolutely do it.

Dir. Baker:

I'll do my best.

Mr. Wagner:

No.

Mr. Smith:

First of all I wish I can afford to have you on my staff on January 1st.

Mr. Turner:

Rates are negotiable.

Mr. Smith:

I have a lot of problems with this and you and I have discussed them over and over. Dr. Baker was kind enough to address some concerns that I had that had been circulating throughout the city.

I have a problem here and the problem is what is the debt service, what are we giving up, the savings are not what we were told four months ago. I don't foresee this as the best deal. I also have a problem in that under the new agreement I see this as union busting. The fact that at the end of that particular calendar year 1994 there is a private entity that will be operating and negotiating and if an agreement cannot be met there is no empowerment on the union's behalf to negotiate a good deal based on the fact that they are city employees at that point and renegotiating with a new entity.

These are all concerns that I have and I know you're not going to address because they basically refer to the fact that I don't like giving away the Zoo but let me point out something. I want to Phipps last night and it is a beautiful facility but first of all they did not do all the work. Most of the work was based on contracts.

Mr. Wagner:

That is not correct.

Mr. Turner:

From the time the privatization occurred at Phipps both parties agreed as part of that agreement to do specific items of work and we can pull out the agreement because it does list what they are. We completed our part of it literally two weeks ago beforehand and we spent approximately \$500,000.00 to \$600,000.00 in that neighborhood. They also as part of that agreement did a whole series of other improvements and they spent somewhere between \$200,000.00 and \$1 million, but all of the work that was done was consistent with the agreement that was discussed at this table but both parties spent a lot of money.

Mr. Smith:

I'm not challenging that, I'm stating the fact that part of that work was done with city taxpayers' money and yes it looks nice -- I don't see the radical change myself although it looked very nice for the Christmas show.

I have another problem and that is affirmative action. In touring Phipps with the employee badges, I see a radical change. We were employing probably -- the city was employing older individuals who were most likely supporting families or themselves. I saw very young, extremely young crowd of employees that actually had the badge. We know they work for less and I also didn't see any minorities with any of the badges. What worries me once again is yes the clause is here, will the access -- because there's no guarantee that someone gets a job. What it is clearly is that there is an effort on the part to hunt. Now that does not say that I must come out

and see that 27 percent of the employees but it is the open access to those and the continued employment of many of our working people who are supporting themselves. I have a problem that the way you are saving money is through your labor costs because when you sat here and talked about the \$300.00 banana, by the time it went through our process, I don't see and I have not been given any documentation that the operating costs other than the employees side would drop dramatically and be a portion. This is all philosophical. You are attempting to run and we're attempting to spin off and you are attempting to run a facility based on limited monies. I just have a problem in the overall philosophy of this is being done through wages, that is the problem I have. I know that you can raise more money, that you will be able to improve the facility but it is originally a facility given to all citizens and I'm looking for a review other than 29 years because you're right. I will be gone the year before the lease comes up.

I have those problems and it's all philosophical. I probably will not be supporting this transfer based on just overall philosophical points that deal with it.

I like the Zoo, I think it's a valuable asset to the city, to the region but I have those two problems about the labor agreement and how you're saving costs.

Mr. Turner:

We certainly would have interesting staff meetings if I worked for you. We have put our case on the table so unless you want us to, we won't respond.

Mr. Smith:

As I said that was all rhetorical because I know that it is an impasse based on philosophy and I wanted you to understand why I cannot find support today for this plan as it's presented.

Mr. Darkins:

No discussion. I wanted to commend you on the job that you have done. I'm not for privatizing a lot of things because I think in terms of a lot of areas but this is the best route for us to go at this time. I always had an ideology of thinking that once we start one we continue to go on and on and on and I have grave concerns about other departments. Today I'm going to vote the right way.

The Chair:

Thank you, Reverend Darkins. I know we have had a long discussion here and I have asked numerous questions during the

public hearing and also last time when this came up so I won't be asking any more today.

Let say this that if I went to a bank and I said to the banker I'm planning on starting a business it's going to be a recreational facility and this is the way it is going to work is that 30 percent of the people who take advantage of that facility will be paying for that recreational facility will be paying for virtually all of it. That 70 percent of the people who use it will be paying for virtually none of it. The banker would look at me and say you're crazy and that has been the situation with the Zoo for so many years and that's why I supported this process and I know a lot of people put a lot of time into this process. Once the process started then the standard that I apply to my own decision on this was that I would support it if it was in the best interests, the best financial interests of the city and secondly if the quality of the Zoo would be either maintained or improved under this plan.

On the question of the financial interest of the City and the Zoo of course, I'm convinced that it's in the best financial interests of the Zoo. I think there are things that government does well and there are things that government doesn't do well and our government has not done very well in terms of attracting money to the Zoo and I think we can attract more money through private sources. I'm glad to see that the agreement on the employees although I know that that means it's going to be a cost to the city. Despite the fact that we're not going to be saving a lot of money in the first year I think over a time it will be in the best financial interests of the city and I'm convinced of that, regional assets district or no regional assets district, and as far as the 1994 budget I think that we're close to a package that will balance this budget and I want to talk to each and every Councilmember about it once we reach that point which better be pretty soon.

On the quality issue I appreciate you putting in the default provision that says that if the American Association of Zoological Parks and Aquariums which I believe is the name of it does not continue our accreditation here then that would be a material breach of the lease and that would be a default of the lease and Dr. Baker, I appreciate you providing me with the list of zoos that have lost their accreditation. That in fact there are four city zoos, Columbus, Birmingham, Boston and Atlanta that have lost their accreditation and five others that have had their accreditation tabled until they are able to correct the problems. I appreciate you providing me with that and I didn't realize that was the case. At the same time I will be introducing an amendment on Tuesday to require a performance audit be done on the Pittsburgh Zoo probably every three years and we've discussed that and I'll certainly work with you on that before introducing it on Tuesday but I do think that that would be one more added protection to make sure that the quality

of the Zoo stays the same or improves. My bottom line is that I think this is -- although we have had lots of discussions on different issues that I do think this is in the best financial interest of the City and I think that it's in the best interest for the quality of the Pittsburgh Zoo and for that reason I'm going to be voting in favor of it as well.

If there's no other discussion let's have --

Mr. Ferlo:

-- I don't have any discussion but I have some questions about the lease. I'd like to do them in a form of a memo to the Solicitor and have something in writing by Tuesday.

The Chair: ROLL CALL

AYES 5 NOES 2

(END OF COMMENTS)

PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

(BEGINNING - MR. WAGNER'S COMMENTS ON BILL NO. 3475, WEDNESDAY, DECEMBER 8, 1993)

Mr. Wagner:

I support Councilman Onorato's intent here to evaluate and come up with a plan. I think it's important that we're frank about the discussion in that any kind of rehabilitation related to the court system falls under the jurisdiction of county and state government and federal government. No way would the City of Pittsburgh taxpayers be paying for this facility but I believe what the Councilman is suggesting is that we would like to heighten the discussion on the issue because we think boot camp serves an excellent purpose and I agree with him and we should do that through county government and state government and they need to step up to the plate here and come up with some dollars by which boot camp facilities can be constructed just not in Allegheny County but throughout the Commonwealth where they are needed.

One important point that I want to make here and it's unfortunate that we really don't -- over the years the federal government has relinquished their responsibility on many, many issues one of which is this issue.

I was in boot camp 25 years ago in the marine corps and I was in boot camp with people who judges actually made the decision based on criminal acts that they committed that you either serve time or you go to the military. And I served in the military with people that was in essence their punishment for committing a crime. I make the point because it was a system that worked and it worked darn well back then and it was a federal system and today that doesn't happen and it doesn't happen today because the military is -- there have been major cutbacks and the military now is much more selective as to whom they permit to come into the military. The point that I want to make is with those cutbacks the responsibilities have now fallen upon state government, county government and us at the municipal level. It really isn't fair and if President Clinton who supports the idea of boot camps believes in that philosophy, what the federal government should do and what the President should do is take the military establishments and bases across this country and convert them into boot camps for juvenile offenders and that's really the answer to these problems and I would not want to send a kind of false message to the residents of this city Councilman and I'm throwing this on the table that if a military base in Pennsylvania could serve the purpose of a boot camp that has been cut back or shut down, we should utilize that facility because it's been paid for by the taxpayers rather than creating another facility. And so what I would simply ask you is and I don't know how you do this in terms of your study is to be more inclusive than simply the City of Pittsburgh in evaluating what is available in the region or the Commonwealth

in terms of military bases that are no longer in use or will not be in use in the future and the federal government more than I think, more than even putting police on the streets and given the communities dollars to do that, if they would open up these military bases and keep the same darn drill instructors that taught me a thing or two and millions of people in this country and put them in those military bases with juvenile offenders, we could serve one heckuva positive purpose in rehabilitation.

I don't want to see us -- I guess what I saying is I don't want to see us try to reinvent the wheel when we really had a wheel that worked before and this government, this federal government has forgotten about and I think we at the municipal level have to be strong advocates to wake them up to something that worked before that could work again and is more applicable today and more needed today than even before.

(END OF COMMENTS)

PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

MUNICIPAL RECORD

Proceedings of the Council of the City of Pittsburgh

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Monday, December 20, 1993

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Municipal Record

ONE-HUNDRED TWENTY-SEVENTH COUNCIL

JACK WAGNER President
MICHAEL PERRY City Clerk
LINDA M. JOHNSON-WASLER.... Asst. City Clerk

Pittsburgh, PA
Monday, December 20, 1993

PRESENT:

MR. COHEN	MR. ONORATO
MR. DARKINS	MR. RICCIARDI
MR. FERLO	MR. SMITH
MR. O'CONNOR	MR. WAGNER
	(Pres)

ABSENT:

MICHELLE MADOFF

The Meeting was opened by the recitation of the Pledge of Allegiance to the Flag of the United States of America, and a moment of silent prayer for peace throughout the world.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

Mr. Smith:

Mr. Robinson, could you please come up. During this time of good cheer and family and all those wonderful warm memories that we have when we're blessed, we have to reach out and remember those who are not as blessed as those of us who have family and a home.

Mr. Smith presents

No. 3584 WHEREAS, on Tuesday, December 21, 1993, the National Coalition for the Homeless, Project Save a Life, and other Homeless Service Providers, will have a memorial service at the Vietnam Memorial on the North Shore; and,

WHEREAS, this national memorial event is three years jold, and attempts to call attention to the conditions of the homeless, but yet, pay tribute to the nameless and faceless men and women who have died unnoticed; and,

WHEREAS, there is a serious need for the City of Pittsburgh and Allegheny County to keep records of the Homeless, to enable families of the deceased to be notified; and,

WHEREAS, the National Coalition for the Homeless recognizes that every human life is important, with no respect to the economic status or conditions of death, and will read many of the names, dates and places where

homeless persons have died in Pittsburgh and the County.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh declares December 21, 1993 as Homeless Memorial Day in the City of Pittsburgh.

Mr. Smith moved to adopt the resolution.

Mr. O'Connor seconded the motion.

Which motion prevailed.

Mr. Smith:

Thank you fellow Council Persons. I think that its just very important that we do remember that for every blessing we have, we need to reach out and help someone else and I'm going to turn this over so that you can actually say a few words, Dan, about the organization and what we're trying to do.

Dan Robinson:

Thank you. I'm a formally homeless individual myself and the coordinator for Operation Save a Life which is comprised of groups of formally homeless men and women who go out into the street in the evenings and distribute blankets, clothing and whatever basic necessities people out there need. I think the important thing that Chris has said is that behind each of these faces is a person, you know, behind these wrags and fragments that you might see walking down the middle of the street, is a unique individual that deserves the attention that we all get from our own families. A lot of these people don't have that. So in essence, we try to break the barriers that we see in this City with health care, with mental health care, whatever the problems are, and we try to reach out to both sides so that everyone can

realize that these are human beings out there who are suffering and not just drug addicts or alcoholics or the old stereotypes, and we appreciate this plaque and we appreciate your recognition of this day. Thank you.

Mr. Smith presents

No. 3585 WHEREAS, on Monday, December 27, 1993, the family and friends of Eugene James and Evelyn Harris James will join them in the celebration of their 50th Wedding Anniversary; and,

WHEREAS, Eugene James was born on November 12, 1925 in Milledgeville, Georgia, and Evelyn Harris James was born on July 22, 1927 in Jones County. The two were joined together in Holy Matrimony on December 27, 1943; and,

WHEREAS, in 1945 Mr. Eugene James joined the Armed Forces of the United States of America where he served his country with honor, and was discharged in 1947; and,

WHEREAS, the couple moved to Pittsburgh in 1948, and purchased a home in 1951 at 1923 North Charles Street, and have resided at this address in the North Side community for 42 years; and,

WHEREAS, to this union 14 children were born, seven boys and seven girls, and all of them were raised in the North Side community; and,

WHEREAS, this couple has always been known as hard working. Eugene James retired after 38 years of faithful employment with the H.J. Heinz Company, and his loyal wife Evelyn retired after 25 years as a domestic; and,

WHEREAS, Mr. Eugene James has been a faithful member of the Bethlehem Temple Church for 37 years, and was ordained as a minister in 1982.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh does hereby congratulate Eugene James and Evelyn Harris on the celebration of their 50th Wedding Anniversary.

Mr. Smith moved to adopt the resolution.

Mr. O'Connor seconded the motion.

Which motion prevailed.

Mr. Wagner presents

No. 3586 WHEREAS, Thomas Jayson and Wetco Development Corporation have undertaken the first totally major private development on Pittsburgh' Allegheny River adjacent to the Downtown and the Strip District, known as the Boardwalk; and,

WHEREAS, this Boardwalk development has provided a riverfront facility for the benefit of the residents of the Greater Pittsburgh area and surrounding community, and has become a major riverfront attraction for out of town visitors and hotel guests; and,

WHEREAS, Thomas Jayson and Wetco Development Corporation have been able to accomplish this magnificent riverfront development without the assistance of one public dollar; and,

WHEREAS, on December 9, 1993, a groundbreaking took place for the future plans for the Boardwalk riverfront development which will include additional landside facilities such as a resort hotel, line performance facility and the Boardwalk Entertainment Mall.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Pittsburgh would like to express its appreciation to Thomas Jayson and the Wetco Development Corporation for their vision and commitment to the development of the riverfronts in Pittsburgh and wholeheartedly endorses and supports Thomas Jayson in his efforts to further develop "The Strip Down by the Riverside."

Mr. Cohen moved to adopt the resolution.

Mr. Ferlo seconded the motion.

Which motion prevailed.

The Chair:

Thank you Members of Council That groundbreaking or ceremony took place during the budgetary session and I thought that it was important to give Mr. Jayson and Wetco this Resolution.

REPORTS OF COMMITTEES

Mr. Cohen presented

Bill No. 3577

Report of the Committee on Finance for December 15, 1993 transmitting sundry ordinances and resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3413

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Two, "Fiscal", Article IX, "Property Taxes", Chapter

263, "Real Property Tax", Section 263.01, "Levy and Rate on Lands and Buildings", by levying the real property tax for 1994."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Ricciardi
Mr. Darkins	Mr. Smith
Mr. O'Connor	Mr. Wagner
Mr. Onorato	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative the bill passed finally.

Also,

Bill No. 3491

A Resolution entitled, "Resolution providing for the issuance of a \$14, 624.89 warrant in favor of American Rent A Ride in settlement of claim for automobile damage."

Which was read.

The Chair:

I'd like to ask Mr. Perry, did we receive any information on Bill No. 3491 on American Rent a Ride that was requested at the Council meeting?

Mr. Perry:

No, I didn't.

The Chair:

None has been received by the Law Department in regard to the claim submitted? I personally can't vote for the bill. If Council chooses to do it, so be it.

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. O'Connor	Mr. Smith

AYES 6 NOES 1

(MR. WAGNER VOTING NO)

And there being two-thirds of the votes of Council being in the affirmative the bill passed finally.

Also,

Bill No. 3492

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of the Commonwealth of Pennsylvania to refund a reimbursement received from Western School of Health and Business Careers, Inc. in connection with two SPOC participants who

withdrew from training under a contract agreement that ended June 30, 1993."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Ricciardi
Mr. Darkins	Mr. Smith
Mr. O'Connor	Mr. Wagner
Mr. Onorato	(Pres't)

AYES 7 NOES none

And there being two-thirds of the votes of Council in the affirmative the bill passed finally.

Also,

Bill No. 3493

A Resolution entitled, "Resolution amending Resolution No. 722 of 1992 entitled 'Providing for an agreement or agreements with various agencies for the implementation of the Pittsburgh Partnership and for the payment of the costs thereof' by decreasing the amount available for subcontractor agreements by \$131,049.82."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Ricciardi
Mr. Darkins	Mr. Smith
Mr. O'Connor	Mr. Wagner
Mr. Onorato	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative the bill passed finally.

Also,

Bill No. 3494

A Resolution entitled, "Resolution amending Resolution No. 723 of 1992 entitled 'Providing the authorization to make all legitimate administrative expenditures necessary to implement the Pittsburgh Partnership; providing for the periodic transfer of funds to reimburse for program administrative costs incurred, and providing for the periodic transfer of funds to be used for wages and fringe benefits for participants of the Pittsburgh Partnership and for the payment of costs thereof by increasing the amount available for wages and gringe benefits for participants by \$131,049.82.'"

Which was read.

Also,

Bill No. 3495

A Resolution entitled, "Resolution amending Resolution No. 705 of 1991 entitled 'Providing for an agreement or agreements with various agencies for job development and employment services and/or on-the-job training in connection with the Pittsburgh Partnership Employment Program and providing for the payment thereof' by adding job related vocational skills training."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 6 NOES 1

(MR. RICCIARDI VOTING NO)

And a majority of the votes of Council being in the affirmative the bill passed finally.

Also,

Bill No. 3496

A Resolution entitled, "Resolution providing for an Agreement with a nonprofit organization for use in marketing, clearing titles, transferring property titles, and other related costs in the

implementation of the Side Yard Program."

Which was read.

Also,

Bill No. 3497

A Resolution entitled, "Resolution amending Resolution No. 1039, Item B, effective December 31, 1988, which authorized the sale of a two story, brick house and garage situated on a lot 43' x 36', Center Avenue, 5th Ward, Block 27 F, Lot 146, to Earl F. and Lois W. Hord, his wife, for the sum of \$25,000.00, by reducing the sale price to \$15,000.00."

Which was read.

Also,

Bill No. 3498

A Resolution entitled, "Resolution amending Resolution No. 998, Item D, effective October 9, 1992, which authorized the sale of a two story, frame alum-siding house and a one story frame house situated on a lot 40' x 100', known as 510-512 Wicklow Street, 10th Ward, Block 50 H, Lot 206, to Andrew Korley, for the sum of \$5,000.00, by reducing the sale price to \$3,500.00."

Which was read.

Also,

Bill No. 3499

A Resolution entitled, "Resolution providing for the filing of a petition or petitions for the sale of certain property or properties, acquired at tax sales in accordance with Act No. 171 of 1984, 'Second Class City Treasurer Sale and Collection Act', effective December 11, 1984."

Which was read.

Also,

Bill No. 3500

A Resolution entitled, "Resolution providing for the conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, 'Second Class City Treasurer Sale and Collection Act', effective December 11, 1984."

Which was read.

Also,

Bill No. 3501

A Resolution entitled, "Resolution providing for the conveyance by the City of Pittsburgh of certain property, under Act No. 171 of 1984, entitled, 'Second Class City Treasurer Sale and Collection Act', effective December 11, 1984."

Which was read.

Also,

Bill No. 3502

An Ordinance entitled, "An Ordinance supplementing the Pittsburgh Code, Title Six, Conduct, Article III, Dogs and Other Animals, Chapter 633, Dogs, by adding a new section authorizing the City Treasurer to perform the duties imposed by the Pennsylvania Dangerous Dog Law, 3 P.S. 459-501-A et seq."

Which was read.

Mr. Cohen:

On Bill 3502 regarding our compliance with state law under the dangerous dog law, we

were supposed to get a memorandum on that, particularly from the law department, on the City's liability end of this. Personally, I don't want to move forward with a bill that I think could increase the City's liability under this dangerous dog law. I know that we have to comply with state law, but at the same time I think we deserve an answer to that question.

The Chair:

Mr. Perry, did we receive anything?

Mr. Perry:

We got something from the law department, but I don't know if that was it or not?

Mr. Cohen:

I did not see it. If somebody else saw it, please let me know.

Mr. Riccirdi:

We did receive a memorandum a few hours ago and I briefly reviewed it. It did address the issue of liability on the City's part, Mr. Cohen. The way I read it, the intent would not issue the proper licensing if the surety bond was not in place. And then it went on to say how we would be named on the bond that if it was ever cancelled that they would have to inform us of that. And there was attached a memorandum from the Law Department to D'Ann Swanson basically resting the issue that we have raised. I am comfortable on voting on it today but if you would like to hold it till the end of the meeting so you can review it, I would understand that.

Mr. Cohen:

I did not see the memo, so I appreciate

that. Mr. President, I think that's probably a good compromise if we could hold it to the end of the meeting so we would all have a chance to review the memo. The memo may well set aside any problems we might have. So I'd like to make a motion to hold till the end of the meeting.

The Chair:

All in favor? Opposed?

WHICH MOTION PREVAILED.

The Chair:

We now go back to the Committee on Finance - Bill No. 3502.

Mr. Cohen:

Thank you Mr. President. I'd like to put Bill 3502 back on the table. That's the dangerous dog law bill.

Mr. Ricciardi seconded the motion.

WHICH MOTION PREVAILED.

Mr. Cohen:

I've had an opportunity to review the memorandum on this legislation and I appreciate the law department, particularly Isabelle Storch, who is also here today representing the law department, for putting the memo together. I spoke with Isabelle Storch and I am now comfortable that the City will not have liability on this statute. It says here in the memo there is no liability incurred by the City relating to any actions of these dogs. But in talking to her, I have something else and that is that the state law and the law that we would be voting on today requires a surety bond if a person owns a dangerous dog. Owners would

have to put up a surety bond and failure to maintain that bond can result in revocation of their registration and also the dog can be confiscated. Apparently the State Department of Agriculture has not been enforcing this provision and I think this is a very important provision. If somebody has a dangerous dog, they ought to be required to have a surety bond for that dog. So I would ask that if we approve this today, we also send a letter to the Treasurer, D'Ann Swanson, asking that this portion of the legislation be implemented, that we do in fact require a surety bond.

The Chair:

That's in the form of a motion?

Mr. Cohen:

Yes.

The Chair:

All those in favor? Opposed?

WHICH MOTION PREVAILED.

The Chair:

On the bill as amended?

Mr. O'Connor:

I have one question. Looking at the amendment, the one bite rule where once the dog has been determined to be a dangerous dog, any attack upon persons therefore will result in destruction of the animal, etc., what determines a dangerous dog? Is it a two-bite rule? In other words, does he have to bite somebody or do people in the neighborhood have to be afraid of him to put the sign up?

The Chair:

Councilman Ferlo, do you want to answer that?

Mr. Ferlo:

In the times that I have been before the Magistrate on dog problems, there has to be some type of an actual dog bite or an aggressive physical act by the dog.

Mr. Cohen:

If I may, I agree with what Mr. Ferlo just said. I think the one-bite rule is this long term rule probably over a hundred years that says that the way you determine a dog to be dangerous, unfortunately, is if the dog bites somebody. But, I just talked to Isabelle Storch from the Law Department and she said that a District Justice, now under more modern law, a District Justice can make a determination that a dog is dangerous without actually having a victim suffer a bite. But that would be under the District Justice's discretion.

Mr. O'Connor:

I'm curious. If a dog does a severe bite the first time, can something be done then? There is a difference in bites - kid's running around playing and a dog makes a little nip. I'm not talking about that. I'm talking about a mean dog who attacks a kid or a person and does damage. What would we do under this? Can a District Justice do more than put a sign up? I guess that's what I'm asking. Are our hands tied?

Mr. Ferlo:

You mean on the first bite?

Mr. O'Connor:

I'm not talking about a minor.

Mr. Ferlo:

I think that what Mr. Cohen is indicating is that there is some additional discretion on the part of the District Justice. I know in some instances they required fencing to be put up and things of that sort. Usually, I find it more effective if residents will go down with the individual, with the person who may have experienced the incident. So it's very much discretionary on the part of the District Justice.

Mr. Cohen:

If the dog is, and I'm learning this from Isabelle as she's sitting right here, so I want to give her credit for her knowledge of the law, if the dog has already been determined to be a dangerous dog by the District Justice even without a bite and then that dog does bite somebody, at that point the dog can be confiscated.

Mr. O'Connor:

So this is more or less a severe first warning as strong as we can make it.

Mr. Ferlo:

Mr. President, I noticed that the sign that would be put up would be worded "Warning - Dangerous Dog." Could we also add, "Caution - idiot for an owner"?

The Chair:

Is there any other further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative, the bill passed finally.

Also,

Bill No. 3509

A Resolution entitled, "Resolution transferring the amount of \$8,484.00 (Eight-Thousand Four Hundred Eighty-Four Dollars) from code Account RPPPTF, index Code 254102, Residential Parking Permit Program Trust Fund, Department of City Planning, to Code Account 1043, Index Code 104307, Office of the Mayor, Bureau of Information Systems."

Which was read.

The Chair:

Is there any further discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Ricciardi
Mr. Darkins	Mr. Smith
Mr. O'Connor	Mr. Wagner
Mr. Onorato	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative the bills passed finally.

Also,

Bill No. 3522

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of the Zoological Society of Pittsburgh in the amount of Three Thousand Four Hundred Thirty Eight Dollars (\$3,438.00), in payment for services for the Pittsburgh Zoo, for the benefit of the City without previous authority of law, and providing for the payment thereof."

Which was read.

Also,

Bill No. 3523

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Aquanetics Systems in the amount of Eight Thousand Ninety Two Dollars and Ten Cents (\$8,092.10), in payment for services for the Pittsburgh Zoo, for the benefit of the City without previous authority of law, and providing for the payment thereof."

Which was read.

Also,

Bill No. 3524

A Resolution entitled, "Resolution authorizing

the issuance of a warrant in favor of Geyer Printing Company in the amount of Five Thousand Five Hundred Twenty Five Dollars (\$5,525.00), in payment for services for the Pittsburgh Zoo, for the benefit of the City without previous authority of law, and providing for the payment thereof."

Which was read.

Also,

Bill No. 3525

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Unit Structures Specialty Products Inc., in the amount of Three Thousand Eight Hundred Twenty Five Dollars (\$3,825.00), in payment for repairs for the Pittsburgh Zoo, for the benefit of the City without previous authority of law, and providing for the payment thereof."

Which was read.

Also,

Bill No. 3526

A Resolution entitled, "Resolution authorizing the issuance of a warrant in favor of Vaughan's Seed Company, in the amount of Two thousand Nine Hundred Twenty Seven Dollars and Eighteen Cents (\$2,927.18), in payment for supplies for Phipps Conservatory, for the benefit of the City without previous authority of law, and providing for the payment thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills

pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Ricciardi
Mr. Darkins	Mr. Smith
Mr. O'Connor	Mr. Wagner
Mr. Onorato	(Pres't)

AYES 7

NOES none

And there being two-thirds of the votes of Council in the affirmative the bills passed finally.

Also,

Bill No. 3527

A Resolution entitled, "Resolution transferring the amount of \$96,965.12 to Code Account SPP, Special Parks Programs, Index Code 254359, from Code Account SSFSP, Special Summer Food Service Program Trust fund, Index Code 270256, in the Department of Parks and Recreation."

Which was read.

Also,

Bill No. 3528

A Resolution entitled, "Resolution transferring the amount of \$450,000.00 to Code Account 45, Health Insurance, Municipal Employees, Index Code 004507, from Code Account SSFSP, Special Summer Food Service Program Trust Fund, Index Code 270256 in the Department of Parks and Recreation."

Which was read.

Also,

Bill No. 3529

A Resolution entitled, "Resolution transferring the aggregate amount of \$150,000.00 to Code Account 1718, Wages, Regular and Temp. Employees, Index Code 171801 from Code Account SPP, Special Parks Programs, Index Code 254359, the amount of \$125,000.00 and from Code Account SSFSP, Special Summer Food Service Program Trust Fund, Index Code 270256, the amount of \$25,000.00."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Ricciardi
Mr. Darkins	Mr. Smith
Mr. O'Connor	Mr. Wagner
Mr. Onorato	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative the bills passed finally.

Also,

Bill No. 3533

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of

McGraw-Hill, Inc. in the amount of \$948.75 for advertisement in the November issue of ENR for bids for the Computerized Traffic Responsive Traffic Control System; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3534

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Consolidated Rail Corporation in the amount of \$341.64 in payment of railroad flagging services required for the inspection of the Larimer Avenue Bridge, and providing for the cost thereof."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Ricciardi
Mr. Darkins	Mr. Smith
Mr. O'Connor	Mr. Wagner
Mr. Onorato	(Pres't)

AYES 7 NOES none

And there being two-thirds of the votes of Council in the affirmative the bills passed finally.

Also,

Bill No. 3535

A Resolution entitled, "Resolution transferring the amount of \$500.00 from Code Account 1001-1 (100115), Miscellaneous Services, Supplies, & Equip., City Council (District 3) to Code Account 1103 (110304), Miscellaneous Services, Department of City Planning."
--(SPONSORED BY MR. RICCIARDI)

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Ricciardi
Mr. Darkins	Mr. Smith
Mr. O'Connor	Mr. Wagner
Mr. Onorato	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative the bill passed finally.

Also,

Bill No. 3548

A Resolution entitled, "Resolution providing for the issuance of a warrant(s) in the amount of Forty-Seven Thousand Nine Hundred Fifty-Eight Dollars and Thirty-Nine Cents (\$47,958.39), without previous authority of

law, for payment to the City of Pittsburgh - Equipment Leasing Authority, for three (3) GMC S - Jimmy Sport Utilities."

Which was read.

Also,

Bill No. 3560

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Marsetta Lane Temp-Services, Inc. 1104 Park Bldg., 355 Fifth Avenue, Pittsburgh, PA 15222, in the amount of \$552.55 in payment for 52.5 hours rendered to Councilman Cohen for the month of November 1993." --(SPONSORED BY MR. COHEN)

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Ricciardi
Mr. Darkins	Mr. Smith
Mr. O'Connor	Mr. Wagner
Mr. Onorato	(Pres't)

AYES 7 NOES none

And there being two-thirds of the votes of Council in the affirmative the bills passed finally.

Also,

Bill No. 3561

A Resolution entitled, "Resolution transferring the amount of \$575,000 (Five Hundred and Seventy-five Thousand Dollars) from Code Account 10, Index Code 001008, Accounts Payable - Prior Years, to Code Account 86, Index Code 008607, Carnegie Institute."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Ricciardi
Mr. Darkins	Mr. Smith
Mr. O'Connor	Mr. Wagner
Mr. Onorato	(Pres't)

AYES 7 NOES none

And a majority of the votes of Council being in the affirmative the bill passed finally.

Also,

Bill No. 3562

A Resolution entitled, "Resolution providing for the issuance of a warrant in favor of Public Strategies, Inc., One Bigelow Square, Suite 616, Pittsburgh, PA 15219, in the amount of \$1,600.00 in payment for professional consulting services rendered to Councilman Eugene Ricciardi for the month of December

1993. --(SPONSORED BY MR. RICCIARDI)

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. O'Connor	Mr. Smith

AYES 6 NOES 1

(MR. WAGNER VOTING NO)

And there being two-thirds of the votes of Council in the affirmative the bill passed finally.

Mr. Darkins presented

Bill No. 3578

Report of the Committee on Public Works for December 15, 1993 transmitting one ordinance and sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3504

An Ordinance entitled, "An Ordinance

amending and supplementing the Pittsburgh Code of Ordinances, Title Four, Public Places and Property, Article I, Streets and Sidewalks, Chapter 416, Obstructions, Section 416.01, Minor Street Obstructions; Permits Required, and Section 416.02; Permit Fees for Minor Street Obstructions."

Which was read.

Mr. Ricciardi:

On Bill 3504 - this is the bill where there was much debate concerning encroachments, the fee for encroachments and other issues such as outdoor cafes. Colleagues, please keep in mind that after we deleted the majority of the bill, the only remaining portion of the bill will only deal with one business district in the City of Pittsburgh, and that's Carson Street, since Carson Street has its own sign ordinance. So in voting for this today, please feel comfortable that we are affecting no other part in the City of Pittsburgh except Carson Street in order to streamline the process of Carson Street. Thank you.

Also,

Bill No. 3505

A Resolution entitled, "Resolution further amending Resolution No. 481, effective June 23, 1987, as amended by Resolution No. 558, effective June 5, 1990, as amended by Resolution No. 693, effective June 18, 1992, entitled 'Authorizing the Department of Public Works to sell reclaimed asphalt, presently stored at Heth Run (located at the rear of the zoo parking lot). Permission is requested to sell to the general public by the ton. All monies collected are to be deposited into the Asphalt Reimbursement Trust Fund, Index Code 250100,' by increasing the cost of the asphalt."

Which was read.

Also,

Bill No. 3506

A Resolution entitled, "Resolution providing for an Agreement or Agreements, or the use of existing Agreements, for the furnishing of professional services for the benefit of the residents of the City of Pittsburgh effective January 1, 1994 and providing for the payment of the cost which is not to exceed Five Hundred Fifty Thousand (\$550,000.00) Dollars, chargeable to and payable from Code Account 1676, Miscellaneous Services, Index Code 167606, Department of Public Works."

Which was read.

The Chair:

Is there any further discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Ricciardi
Mr. Darkins	Mr. Smith
Mr. O'Connor	Mr. Wagner
Mr. Onorato	(Pres't)

AYES 7

NOES none

And a majority of the votes of Council being in the affirmative the bills passed finally.

Mr. Ferlo presented

Bill No. 3579

Report of the Committee on Planning, Housing and Development for December 15, 1993 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3510

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire all of the City's right, title and interest, if any, in and to the publicly-owned property in the 15th Ward of the City of Pittsburgh designated in the Deed Registry Office of Allegheny County, as Block 55-H, Lot 269, under the Residential Land Reserve Fund."

Which was read.

Mr. O'Connor:

I move to table Bill No. 3510.

Mr. Ferlo seconded the motion.

WHICH MOTION PREVAILED.

Also,

Bill No. 3511

A Resolution entitled, "Resolution approving execution of a Contract for Disposition by sale of land by and between the Urban Redevelopment Authority of Pittsburgh and Lawrence P. Bayan for the sale of Block 55-H, Lot 269 in the 15th Ward of the City of Pittsburgh (Parking)."

Which was read.

Mr. O'Connor:

Before we tabled 3510 I didn't realize there was a companion Bill 3511 and I'd like to make a motion to table that also.

Mr. Ferlo:

Mr. O'Connor had some concerns and wanted some additional time. In effect, he already cannot effectuate the transaction without both bills so in effect they are really both legally tabled anyways. This is on the acquisition of that property.

The Chair:

Just procedurally, motion to reconsider.

Mr. Ferlo seconded the motion.

WHICH MOTION PREVAILED.

Also,

Bill No. 3512

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire the following properties in the City of Pittsburgh under the Residential Land Reserve Fund, said properties having been certified as blighted by the Vacant Property Review Committee and the Planning Commission of the City of Pittsburgh; Block/Lot 23-K-332B, 1327 Butterfield Way, 22nd Ward, Dorothy M. Keenan, owner; Block/Lot 23-K-332C, 1325 Butterfield Way, 22nd Ward, Geraldine M. Kolosky (deceased), owner."

Which was read.

Also,

Bill No. 3513

A Resolution entitled, "Resolution approving execution of a Contract by and between Urban Redevelopment Authority of Pittsburgh and Arch Court Associates for the sale of Block 23-K, Lots 329, 332B and 332C in the 22nd Ward of the City of Pittsburgh, Residential Land Reserve fund-VP RC (Sideyard)."

Which was read.

Also,

Bill No. 3514

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority to condemn and acquire all of the City's right, title and interest, if any, in and to publicly-owned property in the 22nd Ward of the City of Pittsburgh designated as Block 23-K, Lot 329 under the Residential Land Reserve Fund - VPRC."

Which was read.

Also,

Bill No. 3515

A Resolution entitled, "Resolution approving execution of a Disposition Contract by and between the Urban Redevelopment Authority and Northside Tenants Reorganization for the sale of property in the 21st and 25th Wards of the City of Pittsburgh (rehabilitation/sideyard)."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative the bills passed finally.

Also,

Bill No. 3516

A Resolution entitled, "Resolution authorizing the Urban Redevelopment Authority of Pittsburgh to acquire all of the City's right, title, and interest, if any, in and to the publicly-owned property in the 16th and 17th Wards of the City of Pittsburgh being designated as Block 12-P, Lots 92, 96, 106, and part of 152, under the Industrial Land Reserve Fund."

Which was read.

Also,

Bill No. 3517

A Resolution entitled, "Resolution approving execution of a Disposition Contract by and between the Urban Redevelopment Authority and James and Therese Eaborn for the sale of Block 12-P, Lots 92, 96, 106, and part of 152 in the 16th and 17th Wards of the City of

Pittsburgh for \$40,500.00 - Industrial Land Reserve Fund (Parking)."

Which was read.

Mr. Ricciardi:

Mr. President, I had an opportunity to talk to you and others. I'd like to make a motion to table 3516 and 3517.

Mr. Ferlo seconded the motion.

WHICH MOTION PREVAILED.

Also,

Bill No. 3518

A Resolution entitled, "Resolution approving the sale of Block and Lot 175-H-180 in the 13th Ward of the City of Pittsburgh by and between the Urban Redevelopment Authority and Homewood Brushton Revitalization and Development Corp. for \$1.00 plus costs (residential rehabilitation)."

Which was read.

Also,

Bill No. 3519

A Resolution entitled, "Resolution approving the sale of Block and Lot 174-B-131 in the 13th Ward of the City of Pittsburgh by and between Urban Redevelopment Authority and Homewood Brushton Revitalization and Development Corp. for \$1.00 plus costs (residential rehabilitation)."

Which was read.

Also,

Bill No. 3520

A Resolution entitled, "Resolution authorizing the Urban Redevelopment to acquire all of the City's right, title and interest, if any, in and to the publicly-owned property in the 13th Ward of the City of Pittsburgh being designated as Block & Lot 174-R-216, under the Industrial Land Reserve Fund."

Which was read.

Also,

Bill No. 3521

A Resolution entitled, "Resolution approving execution of a Disposition Contract by and between Urban Redevelopment Authority and Stanley and Rosemary Williamson for the sale of Block 174-R Lot 216 in the 13th Ward of the City of Pittsburgh for \$750.00 - Industrial Land Reserve Fund (Parking)."

Which was read.

Also,

Bill No. 3540

A Resolution entitled, "Resolution providing for an Agreement or Agreements with St. Canice Child Care for furnishing of professional services for the benefit of the residents of the City of Pittsburgh at a cost not to exceed \$500.00, chargeable to and payable from Code Account 1103 (110304), Miscellaneous Services, Department of City Planning." —(SPONSORED BY MR. RICCIARDI)

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative the bills passed finally.

Mr. Smith presented

Bill No. 3580

Report of the Committee on General Services for December 15, 1993 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation.

Bill No. 3563

A Resolution entitled, "Resolution providing for the tolling of the 30-day deadline for reviewing rates of TCI of Pennsylvania, Inc. for Basic Service Installation and Equipment and extending the deadline to March 31, 1994."

Which was read.

Mr. Cohen:

I'd like my remarks brought forward.

Mr. Ferlo:

I'd like my remarks brought forward.

Mr. Onorato:

I'd like my remarks brought forward.

(REMARKS AT END OF MEETING)

The Chair:

Is there any further discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative the bill passed finally.

Mr. O'Connor presented

Bill No. 3581

Report of the Committee on Parks and

Recreation for December 15, 1993 transmitting one resolution to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3530

A Resolution entitled, "Resolution authorizing the Mayor and the Director of the Department of Parks and Recreation to enter into agreements in individual amounts of Ten Thousand Dollars (\$10,000.00) or less with various performers, instructors, artists and other persons with specialized skills in connection with the Department's various recreational and instructional programs."

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative the bill passed finally.

Mr. Onorato presented

Bill No. 3582

Report of the Committee on Public Safety for December 15, 1993 transmitting sundry ordinance and one resolution to Council.

Which was read.

Also, with an affirmative recommendation,

Bill No. 2939

An Ordinance entitled, "An Ordinance supplementing the Pittsburgh Code, Title Seven, Business Licensing, Chapter 7877, Mechanical Amusement Devices, by limiting the proliferation of Electro Mechanical Gambling Devices." --(AS AMENDED IN COMMITTEE)
---(SPONSORED BY MICHELLE MADOFF)

Which was read.

Also,

Bill No. 3377

An Ordinance entitled, "An Ordinance amending the Pittsburgh Code, Title Six, Conduct, Article I, Regulated Rights and Actions, Chapter 611, Alarms."
---(SPONSORED BY MR. ONORATO)

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills

pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative the bills passed finally.

Also,

Bill No. 3473

An Ordinance entitled, "An Ordinance repealing Chapter 184 of the Pittsburgh Code under Title One-Administrative, Article XI, Personnel, Sections 184.01 Authorization to fill without competition, 184.02 Qualifications, 184.03 Recruitment, 184.04 Selection and 184.05 Probation."

----(SPONSORED BY MR. FERLO AND MR. ONORATO)

Which was read.

Mr. Ferlo:

I'd just like my comments brought forward on the veteran police hiring issue - Bill 3473 and on the video poker machine licensure provision on Bill 2939.

Mr. Cohen:

Thank you, Mr. President. I'd like my comments brought forward on Bill 3473

regarding police hiring and also Bill 3559 regarding the new mini police station on Penn Avenue.

Mr. Onorato:

I'd like my comments brought forward on Bill 3473.

The Chair:

Any others? I'd like my comments brought forward, also, on Bill No. 3473 pertaining to police hiring.

(REMARKS AT END OF MEETING)

Mr. Ferlo:

Point of procedure, Mr. Chairman. As you know, the Administration supports your position. This bill does not support the repealing of the ability of the Public Safety Director and the Chief to initiate the hiring of so called veteran police officers. I would ask that before we leave today we make some provision to meet prior to the end of the year.

The Chair:

We will be making a motion at the end of the meeting. Councilman, I would have discussed this with you earlier but I had another commitment. We will make a motion at the end of the meeting to adjourn and meet on December 31 at 9:00 a.m. The last possible time for the Mayor to veto any legislation is December 30th, therefore, it is necessary for us, I believe, to at least tentatively schedule a meeting.

Mr. Felro:

Do we know what our attendance will be?

The Chair:

The Chair: I believe that everyone who is here today will be there then.

Mr. Smith:

And Michelle will fly back.

The Chair:

That's right. And Councilman Madoff may also be here.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	

AYES 7 NOES 1

(MR. WAGNER VOTING NO)

And a majority of the votes of Council being in the affirmative the bill passed finally.

Also,

Bill No. 3559

A Resolution entitled, "Resolution providing for the leasing from The Bloomfield-Garfield Corporation for a parcel of land and building located at 5504 Penn Avenue, Pittsburgh, PA 15206, 8th Ward, for the purpose of establishing a community policing mini station for up to five (5) years, with an option to be leased for an additional five (5) years, at not rental cost to the City."

----(SPONSORED BY MR. COHEN AND MR. DARKINS)

Which was read.

The Chair:

Is there any discussion on the bill?

And on the question, "Shall the bill pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8 NOES none

And a majority of the votes of Council being in the affirmative the bill passed finally.

Mr. Ricciardi presented

Bill No. 3583

Report of the Committee on Engineering and Construction for December 15, 1993 transmitting sundry resolutions to Council.

Which was read, received and filed.

Also, with an affirmative recommendation,

Bill No. 3536

A Resolution entitled, "Resolution further amending Resolution 1348, effective January 1, 1993, entitled, 'Adopting and Approving the 1993 Capital Budget and the 1993 Community Development Block Grant Program', by increasing EC93-532 (Fifth/Forbes Street Improvements') by \$2,200,001 from \$300,000 to \$2,500,001."

Which was read.

Also,

Bill No. 3537

A Resolution entitled, "Resolution further amending Resolution 1415, effective January 1, 1991, as amended, entitled 'Adopting and approving the 1991 Capital Budget and the 1991 Community Development Block Grant Program and approving the 1991 through 1996 Capital Improvement Program,' by increasing EC 91-553 (South Tenth Street Bridge Rehabilitation) by \$50,000.00 from \$550,000.00 to \$600,000.00."

Which was read.

Mr. Ricciardi:

Mr. Wagner, today there are several bills on the capital improvement program for the Tenth Street Bridge which I support. But on that note, I'd like to let my colleagues know that I am in the middle of convening a meeting between city and county officials about the progress, or some people might say about the lack of progress, lack of work activity, on the

Tenth Street Bridge. Its very important that we get those four lanes open before the Smithfield Bridge closes, because if that closes theres only two lanes on the Tenth Street Bridge and we can imagine the bottleneck of traffic and what thats going to do in just moving traffic, not only through the City of Pittsburgh but through the South Side of our neighborhoods. So, when I do have that meeting scheduled, I will also put out a memorandum. If anyone would like to attend, please feel free.

The Chair:

I'd just like to further echo what Councilman Ricciardi indicated, which is extremely important, and I would hope that there is coordination here with PennDOT because truly PennDOT is the agency which controls the Smithfield Street Bridge and the County is the actual controller of the majority of the South Tenth Street Bridge. This is very critical that appropriate timing is in place with the construction of both bridges. And Councilman, I am sure that you will watch over the request that this Council made to put a stairwell from the South Tenth Street Bridge to the South Side Riverfront Park Trail which is, as of yet, not designed into the construction plan.

Mr. Ricciardi:

I'd like everyone to know that that was your idea and City Council supported that idea. Many people on the South Side were interested in that and hopefully we will look into that in the future.

Also,

Bill No. 3538

A Resolution entitled, "Resolution further amending Resolution 1327, effective December

23, 1982, as amended, entitled, 'Providing for an Agreement or Agreements, or Supplemental Agreement or Agreements, with a Consultant or Consultants for Engineering Services in connection with the Rehabilitation of a portion of Fort Pitt Boulevard - Eastbound and the Rehabilitation of the Market Street Overpass; providing for a Reimbursement Agreement or Agreements with the Commonwealth of Pennsylvania, Department of Transportation; and providing for the payment of the cost thereof', by increasing the total project allocation by \$800,000.00 from \$1,026,000.00 to \$1,826,000.00."

Which was read.

Also,

Bill No. 3539

A Resolution entitled, "Resolution further amending resolution 626, effective July 3, 1991, as amended, entitled, 'Providing for a Cooperation Agreement or Agreements with Allegheny County for the City's share of the costs for improvements to City-owned facilities located within and being part of the County-owned South Tenth Street Bridge; and providing for the payment of the costs thereof', by increasing the total project allocation by \$50,000.00 from \$550,000.00 to \$600,000.00."

Which was read.

Also,

Bill No. 3541

A Resolution entitled, "Resolution providing for an Agreement or Agreement, or use of existing Agreements, and/or Contract or Contracts, or use of existing Contracts, for construction and Construction Inspection for Phase I of the City's Fifth/Forbes Street

Improvement Project; and providing for the payment of the costs thereof."

Which was read.

Also,

Bill No. 3542

A Resolution entitled, "Resolution providing for a License Agreement or Agreements with Duquesne Light Company in connection with the electrical service for the Brilliant Warehouse in the 12th Ward of the City of Pittsburgh."

Which was read.

Also,

Bill No. 3543

A Resolution entitled, "Resolution authorizing the Mayor and the Director of the Department of Engineering and Construction to enter into an Ownership and mMaintenance Agreement with the Pennsylvania Department of Transportation for the ownership and maintenance of the pedestrian bridge being built by the City on the Fort Duquesne Bridge."

Which was read.

Also,

Bill No. 3544

A Resolution entitled, "Resolution providing for a Contract or Contracts, or use of existing Contracts, for Street Tree Planting at Various Locations; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3545

A Resolution entitled, "Resolution providing for a Contract or Contracts, or use of existing contracts, for the renovation of the Mt. Washington Ballfield; and providing for the payment of the cost thereof."

Which was read.

Also,

Bill No. 3546

A Resolution entitled, "Resolution providing for a certification required by the Pennsylvania Department of Community Affairs in order to close out the Baxter Playground Project."

Which was read.

Also,

Bill No. 3549

A Resolution entitled, "Resolution providing for a Reimbursement Agreement or Agreements with Various Property Owners including, but not limited to the May Compnay, on behalf of Kaufmann's Department Store and Oxford Development Company on behalf of the Frick Building, for their share of vault repairs and/or replacements in connection with the Fifth/Forbes Street Improvements Project."

Which was read.

The Chair:

Is there any discussion on the bills?

And on the question, "Shall the bills pass finally?"

The ayes and noes were taken agreeably to law, and were:

Ayes:

Mr. Cohen	Mr. Onorato
Mr. Darkins	Mr. Ricciardi
Mr. Ferlo	Mr. Smith
Mr. O'Connor	Mr. Wagner
	(Pres't)

AYES 8

NOES none

And a majority of the votes of Council being in the affirmative the bills passed finally.

MOTIONS AND RESOLUTIONS

Mr. Smith:

Just quickly since there has to be a new historian here in Michelle's place. I think we pulled a major faux faux in that we have not had a Council picture of the 1993 Council Persons that were elected. Within the next ten days or so there will be a change on Council and historically we will not have a photo available to show for my first term in office with whom I served. Its important that we attempt to keep consistency with our history so whatever we can do to have that photo taken before two of our esteemed colleagues leave to go on to pursue other careers, I think its very important that we have that historically documented.

The Chair:

Mr. Perry, it appears probable that we will be meeting again.

Mr. Smith:

At 8:30 on December 31st?

The Chair:

At 9:00 A.M. on December 31st. I would ask Mr. Perry to please arrange, if that does occur, for a photographer to be here. If not, Councilman Smith, I'm sure there is enough written transcript of this Council.

Mr. Smith:

A picture's worth a thousand words.

Mr. Ferlo:

We can blow up a placard that we can put for Michelle.

Mr. Cohen:

Some members might be in black tie that day.

Mr. Ferlo:

We also didn't get a picture in 1989. We never got that Council session.

The Chair:

Any other items? I'd like to make a comment for the record and its basically for the record. It pertains to last week's vote on the budget and I'd like to restate my position in regard to the major budget amendments made on Friday pertaining to the elimination of the jobs where City of Pittsburgh employees now work. Not the ones where people do not fill those positions. In other words, I'm not talking about vacant positions. Never before in the history of the City of Pittsburgh has there been such major changes in positions in the budget without proper notification to the people impacted and of more concern to me, City

Council, the Legislative Body, not even receiving notification within 24 hours prior to the vote. They were not done for cost savings reasons or streamlining in my opinion. This is proven by the increases in the numbers of positions and some of the huge salaries associated with them. One particular job elimination was more conspicuous than the others. The position of court administrator was the last position included in the budget amendments. The individual involved was notified last by the Masloff Administration the evening before the vote. No discussion was held with that person's supervisor, the Chief Magistrate, until the evening before the vote, simply indicating that the position would be eliminated. It was the only position that fell under civil service guidelines; therefore, was even more conspicuous in nature. Finally, it will never be understood by me why this Administration and this Council made these changes for the next Administration, when in fact the Charter of the City of Pittsburgh gives the new Mayor and the new Council the opportunity to make whatever changes are necessary for a new Administration immediately following the swearing in of that Administration and that Council. I thought that it was important, Members of Council and the public, for me to state that because I didn't think I clearly stated that with all the budgetary amendments that occurred Friday and the fact that they came at Council so quickly. That is the end of that statement.

I would like to add, not knowing whether or not we will be back on December 31st, I personally would like to thank the people of Pittsburgh and more importantly, the people of Council District 4, the people that include the neighborhoods of Beechview, Brookline, BonAir, Carrick, Overbrook and sections of Mt. Washington and Banksville, for what I consider to be a grand opportunity to have served them in this government. I will

continue to do that for the next fourteen or so days. I am an official Council Member until January 3rd at 10:00 o'clock. I felt it was extremely important for me to thank the public. Without the opportunity for me to be here, I could have never, in my opinion, had the best opportunity of my life professionally to see, to know and to understand the people of Pittsburgh, and it really has been a grand experience for me.

I also want to thank, personally, Mr. Perry, because I have worked extremely close with Mr. Perry and have grown to know him and appreciate him immensely as a person and as a professional. He has done, in my opinion, an exceptional job because someone that works for the Council President and eight other Council Members has a very, very difficult job, and is also dealing with the public all the time. And finally, I would like to thank my staff publicly. I'd like to state in particular, and thank, Mr. Michael Brady and Roseanne Graham, who have been with me since the day I came on Council. You can give me all the negative comments associated with anything that the public thinks was negative or a position that I took on a piece of legislation or a comment that I had in regard to an issue, but truly when it comes to the positive associated with my performance as an elected official, I have to give a whole lot of credit to those two individuals, and their interaction with the public over the years. They have done, in my opinion, an exceptional job and I simply want to thank them and compliment them publicly. I have also had many other part-time employees over the years. They have also all done an exceptional job, and I want to thank them also. And again, finally, I thank the people of Pittsburgh.

Mr. O'Connor:

Jack, on behalf of myself, I want to

thank you for making my first two years very smooth and enjoyable. I want to thank your staff who have always been very professional, as you said, and on behalf of all the residents of the City of Pittsburgh, I'm sure they thank you for all you've done over the past ten years on Council. We wish you the best in your future endeavors.

The Chair:

Thank you.

Mr. Onorato:

I have to agree with Councilman O'Connor. We came on together and I just want to thank you for having an open door policy at all times and I just want to wish you well, wherever your life takes you from this point forward.

Mr. Cohen:

Mr. President, I also want to tell you that it has been a pleasure working with you these last four years and I think that you have been a real professional as well and somebody who has led this body well. I wish you the very, very best of luck.

I was going to wish everybody a happy holiday and happy new year, but apparently we can only wish you a happy holiday because we may see each other before the New Year comes about. But Mr. President, if we don't have that meeting and this is our last meeting, I want to wish you the very best of luck in the future.

Mr. Smith:

Yes, Councilman Wagner, you and I probably have the longest tenure. You came on as a freshman Councilman when I was working for Councilman Robinson. I just wanted to say

that over the past decade I have watched you, I have admired your stance, not always agreed, but the thing that is the strongest and most impressionable about you is that you took a stand, you stated it clearly, and you did not waiver. That is probably the most admirable trait that any elected official could offer their constituency whether they agreed with that stand or not. I want to thank you for being a role model now that I am sitting on this side of the table.

The Chair:

I'd like to wish everyone a Merry Christmas, a Happy New Year, Happy Holidays.

Mr. Darkins:

Mr. President, it has been a great enjoyment serving on City Council and one of your colleagues and also as the President Pro-Tempore. I would say of the truth that when I came four years ago, this was an origination, one of my own ideas. Because as I looked around Council, I thought about my colleagues, and I wanted to share this because I felt it has unique significance and that was the Councilman's Cup. And as I did on the other day with Michelle, I would like to do the same thing with you and this cup means that we are sharing together, not only from this day or from this platform, but even into the future. I pray to God and trust that your life will continue to be fruitful, that you will maintain good health so that you could be successful as you continue to do the endeavors and the things that are set forth that I know not of in your life. Jack Wagner, you have been a genuine person. I like your sincerity and your honesty with Duane Darkins. We hope that from today on and as years come on, you will be a great success.

The Chair:

Thank you Councilman, thank you very much. I appreciate it. If we meet on the 31st, we will toast with this cup.

Is there a motion to adjourn and meet in the event there is a need to meet based on the Mayor's veto of the budget or legislation, again, on December 31, 1993 at 9:00 a.m.?

Mr. Cohen:

So moved.

Mr. Ferlo seconded the motion.

And on the motion of **Mr. Cohen**

Council adjourned.

(MESSRS COHEN, FERLO AND ONORATO'S COMMENTS ON BILL NO. 3563)
(Wednesday, December 15, 1993)

Mr. Cohen:

Discussion. Brother Richard, if you could come to the table please.

Brother Richard, we received a report from TCI that you have informed us by letter dated December 9 is incomplete. Could you please explain how it is incomplete and what you are suggesting here to try to make this process work?

Brother Emenecker:

If you happen to have the report with you, if you would turn to Page 32 of the report, this would be a prime example of what we mean by "incomplete." On Page 32, the FCC form requires the cable operator to provide explanations for certain categories, and if you look at the first one, unwired home installation, average hours for installation, in parenthesis it says "Attach an explanation." The cable company failed to do that. On this page there are seven requirements for an explanation which the company failed to do. There are other pages on the report that are the same type. On Page 22 there are four that are required. In total it is approximately 18 specific categories where an explanation is required. The company did not do that.

Mr. Cohen:

Brother Richard, when did we initiate the process through those bills that I introduced and Council voted on for regulation of TCI, do you remember the approximate date we did that?

Brother Emenecker:

Back in June Council passed resolutions authorizing me to file with the FCC to become certified to regulate. We filed as soon as we were legally able to do so, which was September 2, and then 30 days thereafter we become certified, so we became certified on October 2nd. We notified the cable company on October 4th that we were certified and they are required to submit their rights for review; this form, FCC form 393. The cable company submitted, as you may recall, on November 15 form 393. However, they said it was incomplete, that it was not the final filing, that the FCC had changed some of the requirements and that they had petitioned the FCC for an extension until December 1st. The FCC has yet to rule on that extension from November 15th to December 1st. However, the cable company did submit on December 1st the FCC form 393. The report that I submitted to Council, we in the Cable Bureau added the

instruction pages to the form so you could follow how to interpret the form, and we are currently in the process of reviewing it. However, in that preliminary review, we discovered at least 18 categories where we can't go any further without the written explanation.

Mr. Cohen:

If I understand it, we need that written explanation to be able to understand whether the figures they put in the report are accurate or not.

Brother Emenecker:

Absolutely. It is designed to elicit from the cable operator how did you arrive at the figure that the average hours of installation is one and a half hours, how did you arrive that the average number of maintenance hours on converters or remote controls is whatever figure you stated.

Mr. Cohen:

Don't we need those figures to be able to determine whether the bench mark figures are correct, so that their current rates are legal under the FCC?

Brother Emenecker:

Yes. There is a relationship here between the cost for the tier of service and what is called the equipment costs. If they exceeded the actual cost of the equipment because they inflated the capital costs or maintenance costs, then that has a relationship on the cost for the basic level of service. It also has a relationship on the cost of the equipment.

Again, if you have the report and you want to turn to Page 6, on Page 6 there are two columns, one is permitted and the other is actual cost. For the remote control, the permitted cost according to the company's figures is 7 cents per month. The actual -- what they are actually charging subscribers is 9 cents per month. So on its face without our making a final decision yet, they are charging 2 cents more per month for the remote control.

If you look at the next column of the converter, there are two types, they are charging 60 cents for the nonaddressable, and they calculate they can only charge 53. They are charging \$1.13 for the addressable converter and they calculate they are only permitted to charge 92 cents.

Mr. Cohen:

So on its face without an analysis done by us, they are over-charging the customer for those items?

Brother Emenecker:

That is correct.

Mr. Cohen:

I don't know want to get too much into this except to ask just a couple more questions, maybe to express some frustration here. But have we sent a letter, Brother Richard, to ask them for this information that they have not provided.

Brother Emenecker:

The letter will go out on Friday. We are holding the letter until Council hopefully will favorably approve this resolution extending the deadline. If Council does not extend the deadline, then we would have a serious problem, because you will only have 30 days to make a decision and it is clear that you do not have sufficient information to make the decision. So automatically, I would urge Council to take advantage of the 90 day extension because the company failed to submit what they are required to submit.

Also, let me speak to the issue of refunds. If refunds are in order once the decision is made, the refunds will go back to September 1st. This 90 day extension in no way permits the company to raise the rates, they will not be able to raise the rates at all until Council makes a decision which you would have to do by March 31, 1994.

Mr. Cohen:

The freeze is still on?

Brother Emenecker:

That's right.

Mr. Cohen:

Let me just ask you this: You showed how the company has submitted item for remote and installation that are higher than what the FCC allows. Do we have enough information at this point to see whether their rates are either higher than the current rates or higher than what the FCC allows, or is it too early to say.

Brother Emenecker:

It is too early to say because the bench mark system allows them to deduct the equipment costs, so if they miscalculated the equipment costs, then the bench mark rate would change. So it is really too early to say on that. The company believes that

they are meeting the bench mark, but we have not made the same conclusion yet.

Mr. Cohen:

I certainly would agree that we have to postpone this process until we get that information.

This company is unbelievable. They have a team of lawyers that they can use to get this information to us in on time, but, in fact, what this team is lawyers is are experts in obstruction and delay. That is what they have been doing with the City of Pittsburgh in my view. I am not speaking for your view, but my view is they have obstructed and delayed this process from the very beginning. And at the same time they are submitting documents to us that show that their rates for items like the remote and installation are higher than they know the FCC allows. So on its face it is invalid and it is higher than what the FCC allows. We don't even have enough information to find out whether the rates are too high according to the FCC. But since 1986, this is a company that raised their rates over 100 percent in basic and expanded basic levels of service, which is well in excess of the inflation rate and it is really, really frustrating. At the same time that the president of this company over in Denver, Mr. Malone, is making hundreds -- himself personally -- hundreds of millions of dollars on this cable company. So I find it very frustrating that TCI continues to delay and to submit rates they know are too high. If they think that by submitting a letter like this that we are going to fall over and let them get away with it, they are wrong.

Just one point from this letter here they sent with this report. It says, "As we all know, there remains considerable uncertainty about various aspects of bench mark regulation. Accordingly, we hereby reserve the right to make future corrections to this filing. The operator also requests the right to make future adjustments in its rate to the extent that any error was made in computing bench mark rates. We appreciate your patience."

So in other words, they submitted a document they know to be incomplete, in violation of the FCC, and then they say we want to reserve the right to raise our rates yet again. It is outrageous, beyond belief and we have to keep moving forward and be even stronger in relation to this company.

Mr. Ferlo:

I hate TCI, it is obvious. It ranks right up there with war, pestilence, famine and bubonic plague. Why does this have to be 90 days? Can it be 35 days? 47 dates? Why does the window here have to be 90 days?

Brother Emenecker:

FCC regulations regulate that it can be extended for 90 days.

Mr. Ferlo:

Does it say "Up to 90 days"?

Brother Emenecker:

For an additional 90 day period. It doesn't do us any advantage to have it less than 90 days.

Mr. Ferlo:

We had made a recommendation, including the fact that we are now changing Administration in the Mayor's office, we made the recommendation that we have legal expertise to negotiate us through this process that Mr. Cohen has talked about. Where are we at on that?

Brother Emenecker:

Where we are at is at this point we believe we have the in-house legal expertise to proceed.

Mr. Ferlo:

I don't agree with that. I don't want to be disrespectful or bring up lawsuit after lawsuit that we have settled at this table. I don't feel comfortable. I think we have a responsibility to represent the residents of this city in this battle. We are talking about a major utility fight here. They are going to be spending millions of dollars on 300 lawyers on three piece suits. I want to make sure that we pay a little bit of money and have the proper legal guidance as we negotiate not only this 90 day period you are talking about, but all the issues that Mr. Cohen is talking about.

I don't feel confident that we have the in-house expertise. We are also going through a change. I think we are making a mistake in not guaranteeing that we -- this is not in any way indicating the fact that I don't appreciate Mr. Cohen's diligence on this whole issue of TCI, because I applaud him for it, but I am just very concerned that we spend the extra money, and if need be, that we should take it out of the cable franchise fees. Are we allowed to redirect some of those fees to pay for legal representation?

Brother Emenecker:

We are not opposed to the idea, but we think it is

premature until we get the additional information from the company to determine whether or not we need outside expertise. But at this point, we believe we have the in-house expertise to move forward with this.

Mr. Ferlo:

The only issues right now is to approve this 90 day period, whatever you want to call it. TCI Will recommunicate to the FCC on additional filing information. We are not abridging our right to have the extensive public hearing review process and all that?

Brother Emenecker:

No, in no way. We expect that the public hearing would be scheduled around the middle of February.

Mr. Ferlo:

If rates take effect --

Brother Emenecker:

They will not.

Mr. Ferlo:

I am in favor of this based on what you are saying, but I still disagree with you. I think -- and this can wait until after the first of the year, obviously. I know Mr. Cohen will remain diligent on this issue, as well as the rest of us. I just think we need to sit down with the next Administration and review how we are handling this fight. It is going to be a fight.

Mr. Cohen:

It sure is. Just quickly on Mr. Ferlo's point, I don't disagree with you on that point, but I think it is separate. Let's sit down and talk about it. Hey, whatever we need to fight against this company, I think we should do.

Mr. Onorato: Brother Richard, you have heard Councilman Cohen and Ferlo. What is your opinion on TCI? Are they putting up a smoke screen and just buying time and trying to abuse the system?

Brother Emenecker:

That is a tough question because what I signed my name to was a document that said that the city will agree to abide by

the FCC's rate regulation requirements, and I don't really want to make a judgment statement on the company, because I am involved in that review process.

Mr. Onorato:

I will make it easier on you. Did Councilman Cohen say anything that you disagree with?

Brother Emenecker:

Councilman Cohen spoke well.

Mr. Onorato:

That is all I wanted to know.

Let me ask you this: I know that the city granted TCI Permission to operate within the city. How long is that for and when does it come up for review and what are the options of throwing them out and putting a new cable company in.

Brother Emenecker:

The city signed a 15 year agreement with TCI to transfer from Warner to TCI, October 30, 1984, it goes until October 30, 1999. Under the Cable Act of '84, the company has the right to request renewal within a window of 36 to 30 months prior to the expiration of franchise. So on October 30, 1996, the cable company can come in and request that the formal procedure for renewal begin.

Mr. Onorato:

What is the requirement for renewal; approval by this body and signature of the Mayor?

Brother Emenecker:

Yes.

Mr. Onorato:

That is our ultimate power here. If this continues, unfortunately, it is not until 1996, but I hope they realize they could lose their right just as easily. It is not that far away anymore.

Brother Emenecker:

It is only three years.

Mr. Onorato:

Councilman Cohen who has taken a lead on this, I am sure he has this in the back of his mind, that the 15 year lease is coming to an end.

Brother Emenecker:

The issue we are focusing in on now is are the rates in compliance with the FCC's guidelines. We have the procedures in place, there will be a public hearing in front of Council. We get the additional information, make a judgment, present it to Council, give the public an opportunity to review all the data and have the public hearing, and then make a final decision by March 31st on the rates.

Mr. Onorato:

We all agree that is what should be happening in theory, but there is also a thing called good faith. I think everyone at this table is questioning TCI's good faith and how they are dealing with the new rules and regulations.

I am saying this not as a threat, but just to put them on warning, there is another procedure that is out side of the FCC rules and that is our approval of a right to regulate in the City of Pittsburgh.

Mr. Cohen:

I think any good faith they had, they lost a long time ago. Let me ask this Brother Richard. Do we have any right to fine them for not providing us with a complete filing?

Brother Emenecker:

There is no provision in the FCC regulations to fine them for not complying initially with all required data. In fact, the FCC states that you can extend the 30 days to an additional 90 days if you find that the information is insufficient to make a decision. So the FCC kind of contemplated that you might need additional information from what the company originally submits.

Mr. Cohen:

Which just works to their benefit, of course, of delaying. I think we ought to look at whether they breached their contract with the City of Pittsburgh. If they have a material breach, my understanding is we can terminate their contract. We should look at that and think about it and actually open up the market to some competition in the cable industry.

I am not asking for a response on that, but I think we are

getting to that point, I really do.

(END OF REMARKS.)

(Transcribed by Helen L. Kriebel, Stenotype Reporter)

(MESSRS. FERLO, COHEN, ONORATO AND WAGNER'S COMMENTS)
(Bill No. 3473, Wednesday, December 15, 1993)

Mr. Ferlo:

Mr. Chairman, members of Council, I think my view on this past adoption of this recruiting and hiring procedure involving so-called veteran police officers is a matter of public record. I did not support that initially, I still do not support it. That issue is behind us at least partly. Hiring did take place, administrative changes were made. I, once again, would like this issue to be reviewed by this Council. I did not support it initially. I will set aside that debate. But I am very concerned we revisit this issue. I support repealing it at this time in terms of what has transpired on the hiring. I don't want to belabor the issue. I personally resent the hiring that was done in terms of racial sexual gender under the guise of so-called veteran police hiring. I think it discriminated and hurt the ability of lots of city residents who have long struggled to want an opportunity to serve as a police officer, and that was, in fact, the main reason I did not support it. I think it undermined, in fact, efforts towards reforming from the point of view of affirmative action, undermining the system that we should have reformed and held administrators accountable to correcting. I think we were led down the primrose path. I feel at this time it would be appropriate to repeal this and hold accountability. The state law now allows non-city residents to apply for the position of police officer. I just think and I have stated my bias, my responsibility is to people in neighborhoods throughout the city who want an opportunity to work for the city in this case to be a career public safety official police officer. We have well qualified individuals, black and white, male and female, in neighborhoods throughout this city that I think deserve an opportunity and consideration for employment. I think those individuals were superseded and hired by individuals, some of whom happen to be as young as 20 or 22 years old with just a couple years as a police officer status and being listed as so-called veteran police officers. I think that undermined the opportunities that we should be providing for our own residents. That is part of the mandate of the Home Rule Charter, to provide opportunities for our own city residents. I would ask that Council review this issue today and I ask that Council approve this repealing of this prerogative.

Mr. Onorato:

I am the co-sponsor of this bill because I stated for the public record over and over again that my initial approval of hiring veteran officers was based on the request from the Administration due to the urgency of the number of officers we had to hire in a short period of time. I have been talking with the Administration, I know there are still concerns that

Director Dinardo has about having this option available. I have been thinking about this. I am ready to repeal today knowing that if the situation comes up again, that if the Administration want to request it, they can come back to this table for discussion to ask for the same waiver.

Before I do, I have one question for the director. Are there any classes or hiring going on currently that this is going to interfere with?

Mr. DiNardo:

No. I have to clarify that. There was a test given mid November, a written test for veteran officers, but that is all.

Mr. Onorato:

There was also a test given for new recruits, too?

Mr. DiNardo:

That was given February 15th.

Mr. Onorato:

We have a new list for new recruits also?

I also would like to go on record saying that I agree with Councilman Ferlo that this city has a lot to offer in the African American community, white community, of good officers. However, even under the old systems, let's make it clear, anyone was allowed to take that test, both in and out of the city. So I don't want to send any false signals out there by repealing this that only city residents can apply for the test; anyone can apply in and outside the city. But I hope the new Administration would look at the public safety magnet program in our schools we talked about because our school student body is over 50 percent African American. I feel if a youth wants to commit time and effort through his high school through a magnet program, that we should give some priority to those individuals, like a veteran preference, someone committed to public safety. That is one way of achieving the racial balance we are trying to achieve with quality, quality officers coming out of the school.

I am looking forward to trying to revamp the entire system next year. I realize we have a lot of retirements coming before us. But like I said, the new Administration has the power to come back to this table and ask for help if they need it.

Mr. Wagner:

Director, do you support this?

Mr. DiNardo:

Well, no. I think that Council and the next Administration should have an option. I don't know exactly what the plans of the Murphy Administration are for police hiring. My judgment at this point is that in the next two years I think that the city is going to have to hire approximately 500 police officers due to the early retirement program that will be completed that the city negotiated with the FOP, the Janet Reno plan of additional officers, Council's initiative with additional officers, and the potential of the President's crime package, which could be in my estimation as many as 100 officers that we may have authorization to hire.

My concern is that the existing eligibility list may not provide enough candidates to hire that many. Knowing how the process of selection recruitment, training, goes, that is good year, 12 month 14 month process from the time you start it until it is completed. I would hope that this Council would consider other restrictions to the use of a veteran hiring list rather than abolishing it, because I don't know if we can afford a year process between the time we recruit and place officers on the street not being able to know what goes on in the future.

Now, with that said, what Councilman Ferlo and Councilman Onorato said is correct. The minority and women recruitment efforts in this area were disappointing. We have a process that we have been working on for the last year for new recruits that I think will certainly help us. We know and we all agree that this department must reflect the race and gender make-up of our community the best way that we can. I think we have a good effort to do that.

The fact of the matter is that the veteran pool of officers does not have an abundance of women. The City of Pittsburgh probably is in the top two or three percent in the country in women officers. And the ability to attract veteran officers from other communities to Pittsburgh has been tried very hard. Detective Cookie Coleman leads the recruitment team and has been around the country trying to get interest to come to Pittsburgh. She has done well, but it is just an issue that there is a lot of factors involved in. So my point is in getting all that out that I think it is an option, I don't know what the future will hold. I am concerned that the process of hiring is a lengthy process, one that needs to be lengthy and carefully done, and the option of a veteran hiring effort could be held in abeyance through restrictions provided by City Council, but I think you need that option.

Mr. Wagner:

With this option removed, what would be the process of hiring then?

Mr. DiNardo:

It would be traditional recruitment process.

Mr. Wagner:

Which is basically one vehicle by which you can hire police officers?

Mr. DiNardo:

That's right.

Mr. Wagner:

What is the present percent of African Americans on the police force?

Mr. DiNardo:

It is high 20 percent.

Mr. Darkins:

Not enough.

Mr. Wagner:

In the high 20's. Does it reflect the population in the city?

Mr. DiNardo:

Well, it was I think in Judge Kohill's efforts in reviewing the case brought before him, he determined a number of things. One was that the process in his estimation was not discriminatory and that what was to be achieved by Judge Webber's court order was satisfied. So I don't agree that it is enough, I think it should be more, but we have what we have at this point.

Mr. Wagner:

What has been your experience with the hires under the veteran program? It is always important when we talk become veterans to identify what we are talking about. I have always been a strong proponent of hiring people that are police officers which are veteran police officers and, I have always been a strong proponent of hiring military veterans. We are talk about police veterans. What is your experience with the people that we have hired under this program in the last year and a half? Have they been quality people?

Mr. DiNardo:

Let me put it this way: In many cases it has been a positive experience. We have been able to place officers on the street three or seven weeks after we hired them, depending on what type of academy certification they had; if it was Pennsylvania certification, three weeks after they were hired they were able to work, if it was out of state, it is seven weeks an they were able to work. So it did satisfy an urgency situation.

Most of the beats we have under the community oriented policing program were staffed by veteran officers. I think they bring a variety of experience to the city that hopefully is shared with Pittsburgh officers and a learning experience occurs on both sides.

Their learning curve is shorter than new recruits, I don't think there is any question about that. They have been in an environment where the evaluation of their performance is appropriate to what we do in screening candidates, police work in other jurisdictions and talking to supervisors or personnel departments gives us a pretty goods yardstick to measure candidates.

So I think they are able to hit the street quicker and adapt to the situations quicker than raw recruits are.

Mr. Wagner:

With this option taken away, could you then hire a veteran officer from forest Hills or Braddock or Clairton?

Mr. DiNardo:

No, only through the competitive recruit process.

One point of clarification, too, 100 percent of all recruit candidates are residents of the state of Pennsylvania. About 46 percent of them are residents of the City of Pittsburgh. The veteran officers experience that we have indicates that about 75 or 76 percent are residents of the state of Pennsylvania and about 20 percent or so were residents of the City of Pittsburgh.

Mr. Wagner:

It is also important to mention that under either form, they all must be residents when they become employed?

Mr. DiNardo:

Sure. One thing that was amusing to me was we hired 118 veteran officers and they all have moved into the City of Pittsburgh. I think this Council would probably give a proclamation to any business that brought 118 residents into town and added to their population base. so it si a bitter

sweet situation here. I understand the concerns about displacing city residents or not giving them the opportunity to gain employment with the Police Bureau. Frankly, that didn't happen with this process because our eligibility list expired and our initiative to move forward with community policing and full staffing compliment, you know, made this a very good option for us.

Mr. Wagner:

If I may continue. Thank you, Mr. Chairman, members of Council, for being patient, because I think some of this information is important to get on the table in regard to where we stand and where we are going.

By the end of 1995 we will have how many more police officers retire under the early retirement program?

Mr. DiNardo:

There are currently 337 eligible.

Mr. Wagner:

Plus any other?

Mr. DiNardo:

Plus 27 officers that if we are awarded the Department of Justice Supplemental Hiring Program, plus I estimate probably 20, and I might be a little bit high, disability pensions that come out of the police department over a two year period, like I said, I am putting at 100 something that should come from the President's plan on crime.

Mr. Wagner:

Well, I think I have asked a number of questions and I would hope and ask my colleagues to reconsider this. It is very, very important to let this director or any director have the option to hire people that they think they need that are competent. The public safety issue is the most important issue in the governance of this city an any city in this country. I believe there is a commitment to keep -- to make sure that there is an appropriate racial make-up on the police force, whether that is done with one mechanism or several mechanisms of hiring. But I am a firm believer that if you can hire competent, qualified people, you need to have the option to do that. We have a future Mayor coming in that has hired a Deputy Mayor from Cleveland. I have no problem with that. I don't think anyone should have a problem with this director or any Police Chief for hiring a competent person if they can find a very competent person that is a veteran police officer no matter where they are

from. Now, that may not be a politically popular thing to say because residents of the city will continue to say "Gee, we have to hire City of Pittsburgh residents." True, under the other option there is a higher percentages of city residents that are hired, but we know that under the other process in the history of hiring, that they have not been all city residents. Anyone can apply under any program of hiring, they do not have to be a city resident, they simply have to be a resident when hired.

I have had some contact with some of these veteran police officers. I think they are very competent. I know you have gotten some that aren't so competent, and I understand that. But to give this director or any future director or future police chief the option to higher than different mechanisms of hiring I think is extremely importantly. I know that differs with Mr. Ferlo, I know you didn't support this originally. If we could give this director more options, I think we would be doing the right thing. We should not be handcuffing his hands in the hiring process, and I think that is precisely what we are doing with this legislation. I would just ask my colleagues to please reconsider.

Mr. Darkins:

Director Dinardo, I am glad to hear you come public and say two things, two items. No. 1, I think that I am going to take it upon myself, because Ed Davis the managing editor of the Pittsburgh Courier should be interviewing you on your stand that you have taken that there are not enough of African Americans on the police force here in the City of Pittsburgh. We really haven't had an official come out and make that type of statement. I think that should be a record not just in Council here, they should hear it from you. So I might be sending them to see you if they can interview you on that particular process. I am greatly concerned.

Also, prior to yesterday's meeting, I had threw some questions to you at another meeting right here at this table, and as I think of what the vote was yesterday, one opposed and seven for, and here we are back at the table today talking about residency. And as far as I am concerned, yesterday just put a fly in the milk. You know how a fly looks in white milk; it is going to tarnish, taint us. I think if we have that posture and stand on residency, and people, before they start work for the City of Pittsburgh, I don't think it is just hold to the police department, and that is what I was trying to drive out to make my colleagues understand yesterday. It should apply to all facets of employment within the City of Pittsburgh. According to the Department of Personnel, this should be held true to. I have yesterday and someone says "Don't call names." I wouldn't call the individual's name that made a big issue about the residency and still yet seven of my colleagues hear voted for the variance on residency for one person, just one person. Here you are today talking, Director Dinardo, several police officers

and what you said is well-taken and it is true. Either we are going to be for it or against it or we need to come up with some new legislation.

(Deleted text.)

Mr. Ferlo:

I appreciate Mr. Wagner's comments, but I want to clarify a couple things. I am resentful that in my Council district I have individuals who want to be a police officer what I feel are very competent and qualified. They are male and female and black and white. They are being superseded by primarily white male who happen to be technically veteran police officers from points east, west, north and south, outside of even this state. That is my point in wanting to repeal this. What we need is an Administration who is going to take seriously the issue of affirmative action and recruitment and training and giving people in the city an opportunity. That means reforming personnel and civil service hiring procedure, the training and how we do that. We have avoided that. Because we are in a bind, we rushed to judgment to deal with what originally was Mr. Wagner's proposal. I disagree with that, although I do respect Mr. Wagner for wanting to deal with the problem in the best way that I think he thought of in terms of trying to get some officers on quickly.

I think we need to go back and review this issue. Mr. Wagner had directed an earlier question at Mr. DiNardo, but it wasn't fully answered, and that is what were the numbers and composition hired of veteran police officers, and you didn't get a response to that question, Mr. Wagner.

Mr. Wagner:

Pardon me?

Mr. Ferlo:

You asked at one point what was the make-up, I think was your phrase.

Mr. Wagner:

No. My question basically was how was that class of officers? Were they a good class of officers?

Mr. Ferlo:

Let me take it one step further. What was the hiring?

Mr. DiNardo:

The first year veteran officers were 94 percent white male, 1 percent white female, 5 percent black male.

Mr. Ferlo:

That is why I am resentful. I have individuals who come to me who are black and while, who are male and female, born and raised in this city, including some that have just gotten out of military -- just gotten out of the military, including some that happen to do whatever you call it, military police activity, and they have been supersede by people from San Francisco, Detroit, Cleveland, Atlanta, whatever. I resent that. I think instead of reforming and taking corrective action at the the recruitment, training and hiring procedure making it more expeditious, we should be putting on a class right now. Mr. Wagner's point is excellent, and that is we have a mandate of 300 plus officers that are going to be retiring or taking the three-quarter pension between now and the end of '95. We should have a class on now.

Mr. DiNardo:

We have a class starting January 3.

Mr. Ferlo:

How big is the class? Don't tell me 45 people.

Mr. DiNardo:

We hired what was eligible.

Mr. Ferlo:

My point being, we have to move quickly. If we can't train them in our own academy, then we contract out.

Mr. DiNardo:

That is not the issue. I understand what you are saying.

Mr. Ferlo:

I ask Council if we are truly in favor of dealing with affirmative action, then I think we should rid ourselves of the discriminatory practice of hiring the veteran police officers and deal with the real issue of reforming what has become a cumbersome bureaucratic hassle for the public safety administrators who are trying to do a job without the cooperation of the Personnel and Civil Service Commission.

Mr. Onorato:

One final point on why I am ready to repeal this. I originally supported this because of the emergency. If you look at the two ways of hiring veteran versus new recruits, under veteran officers, if you are not a veteran, you don't even have a shot at becoming an officer in the City of Pittsburgh. Under the new recruit, even veteran officers can apply for the test and everyone has a shot at becoming an officer.

One of the side effects of this veteran officers hiring, I got a lot of calls that said "I don't have a shot at becoming an officer," not even with the competitive test for positions hired under the veteran officer litigation. I know we were doing both at the same time. But I will use the scenario that Director Dinardo mentioned about we would love to have companies generating employees coming back to the City of Pittsburgh, but what company is offering over 350 jobs, good paying jobs with benefits? We can offer that to our city residents over the next year. This is the one time chance to revamp the police force, we are not going to have this many retirements for a long time, and I think if we take into account and look at the new recruit list and procedures, hopefully we can do that in 1994, and really give preference to City of Pittsburgh residents and achieve any make-up of a class we are trying to achieve through that method. The veterans would still have an option to take that test.

Mr. Cohen:

I agree with you. I also voted originally for the bill for veteran police officers and did so for two reasons, really the two stated reasons at the time; one was a one time emergency measure to hire many police officers because of skyrocketing violent crime rate and we did so. You know, there certainly are disagreements over whether it was done quickly enough or not, but it was done. And it is not that we are out of this this public safety crisis at all, but it was a one time shot that hired a lot of police officers, I think by and large good police officers.

The other aspect of it was -- and it was stated at the time -- to enable us to increase -- to achieve the racial composition of the police force that reflects the City of Pittsburgh. I think even Director Dinardo would agree --

Mr. DiNardo:

Excuse me, Councilman, but don't think that the recruit system that we operate under now will achieve that, because it won't.

Mr. Cohen:

That's right. You would agree that we did not achieve success in that second goal?

Mr. DiNardo:

I will agree with that.

Mr. Cohen:

I agree with what Councilman Onorato said. It was billed as a one time shot to hire more police. We have approximately 180 more police today on the streets than we did a year ago today. And I think if the new Administration wants to do this again, then we should come back to Council and have the kind of discussion we need for that.

(Deleted text.)

Mr. Wagner:

Obviously the votes are here. I think, but again I say to my colleagues, by restricting this director or any director or chief as to the hiring processes by which they can use is taking away their ability to do a competent job. Unfortunately, it seems as if the hiring of police officers, it is always missed: The topic of competency and qualifications is never part of the discussion. We had a police force that traditionally was flawed in its hiring process that did not reflect the racial make-up of this city, therefore, we had a court order and there were 50 percent African Americans hired, 50 percent males and 50 percent females hired. There is today a police bureau that reflects of make-up of this city and I think is a better police force because of it. However, you cannot take away the competency and qualification issue from the hiring process. I have had serious problems with this Administration to some degree but more importantly the past Administration in terms of the lack of professional recruitment. There are other police bureaus that hire women, that hire African Americans and get competent people. This city has not done an aggressive job in terms of recruitment, going to universities like the State Police has done, like the FBI has done, and I think any administration needs as many options as possible in terms of hiring. If we really want to make it an issue of reflecting the make-up of this city, let's talk about the hiring of the fire bureau. We have a fire bureau that has less than 10 percent African Americans. The last class had one or two out of 30 some. If we really want to -- if we want to have an impact, we should step to the plate in terms of the hiring process in other departments in city government.

But again, I plead to all of you, don't put handcuffs on this individual's hands or Chief Buford's hands because they are protecting the people of this city. When it comes to hiring competent people, the most important job in this city to hire competent people is in the police bureau. And we have to give them every single option by which they can do that. I think we have done that through the passage of this legislation, which I was a proponent of five years ago back when we did that. We are sending the wrong message by repealing that.

Mr. Ferlo:

I agree with much of what you said, but hiring Andy from Mayberry is not necessarily the intent of what we wanted to do.

Mr. Wagner:

But if you can hire the director of the FBI who lives in Washington, D.C. and is the best cop in America, you should be able to do it.

(END OF REMARKS.)

(Transcribed by Helen L. Kriebel, Stenotype Reporter)

(MR. FERLO'S COMMENTS ON BILL NO. 2939-Wednesday, 12/15/93)

Mr. Ferlo:

Thank you. Mr. Chairman, members of Council, I would make a motion that we amend Bill 2939 which you have a copy of on the table, but that the fee be \$175.00. In effect, we are only adding back in to the ability by BBI to license an existing fee of \$175.00 in addition to juke boxes and riot boxes, machines that are referred to as electro mechanical gambling devices. So we are including it back in the Code, keeping it consistent with the existing fee, which is \$175.00.

(END OF REMARKS.)

(Transcribed by Helen L. Kriebel, Stenotype Reporter)

(BEGINNING - MR. COHEN'S COMMENTS ON BILL NO. 3559, WEDNESDAY,
DECEMBER 15, 1993)

The Chair:

I'd like to discuss this briefly. This is for a police mini-station at 5504 Penn Avenue which is currently in the district that I represent but after January 1st it will be in the district that Reverend Darkins represents and it's a win/win deal and I want to thank Director DiNardo for his involvement. The Bloomfield/Garfield Corporation will lease this facility at 5504 Penn Avenue to the City of Pittsburgh for \$1.00. It will be staffed by two beat officers and one is from the Friendship area and one from the Garfield area and it's a five-year lease with a five-year option.

The BGC will assume the monthly costs including utilities as I understand it. The only thing the City has to do to comply with the American with Disabilities Act is to install a lavatory on the first floor of the building and I have a copy of the lease here if anybody wants to see a copy but I want to thank Director DiNardo and Reverend Darkins and the BGC for its involvement in this new mini-station. Director, anything further to add?

(END OF COMMENTS)

PREPARED BY: MARY ANNE HRUSKA
STENOTYPE REPORTER

(COUNCIL'S COMMENTS ON THE BUDGET - Friday, December 17, 1993)

Mr. Cohen:

Thank you, Mr. Perry. This is the way we are going to proceed here this morning, members. We have under the Recessed Standing Committee Agenda three bills; one is for appropriations, one is for salary and one is for capital. What I would suggest is I am going to read all three of those bills and then any amendments to any of those bills we will take in order, if that is okay with you. I would suggest the first be the amendment from the Masloff Administration regarding the zoo, and then we will take separate Councilmembers' amendments after that.

Mr. Ferlo:

Motion to accept the zoo amendments as prepared by the Administration.

Mr. Smith:

Second.

Mr. Cohen:

Does everybody have those? These are the amendments that reflect Council's will on the public/private partnership regarding the zoo. I don't feel that I need to read all of them as long as you have them in front of you.

All those in favor?

Mr. Cohen:

The next amendment is the amendment on Page 1 of the document that is entitled "1994 Budget Amendments All Departments." This is the long sheet. I just want to make sure everybody is on the same page, literally here.

This amendment is the one that I introduced at Dave Keller's request, head of our budget office. Why don't I read it?

"At the first possible Council meeting of each year, the Director of Finance is directed to prepare and submit legislation to affect the transfer of all funds appropriated for the medical sub-code accounts of all workers' compensation code accounts into a new code account, 44-9. The Controller's Office is hereby directed effective January 1, 1994, to make all workers' compensation medical payments from this code account. This is being done to ensure compliance with sections of the Workers' Compensation Reform Act of 1993 concerning the prompt payment of medical bills.

"Also, the Director of Finance is hereby authorized to

approve all invoices for workers' compensation medical bills effective January 1, 1994."

Mr. Ferlo:

Motion to approve for discussion.

Mr. Smith:

Second.

Mr. Cohen:

Let me just remind Councilmembers what this is. Again, it doesn't matter to me whether we do this by ordinance or resolution. We certainly can do this legally this way. What it does is takes all of the medical code accounts from workers' compensation accounts in all the various departments and puts it into a single code account. What that does, it allows us to pay medical bills more quickly because of the new state act, Workers' Compensation Reform Act. Instead of taking the money out of the medical sub account and then into the workers' compensation account and then take it out of there, it makes it a one step rather than a two step process. Ultimately, I think it will save us money so we don't have to pay fines on late medical bills.

But if Council feels there is not enough discussion on this, we can do it by resolution.

Mr. Ferlo:

I support this amendment now that I better understand it. The initial concern I had, which I think can be addressed, it is an issue that Mr. Wagner and others have raised in the past about the accountability of the existing workers' compensation fund by department, wanting to make sure we have some incentives and that we do not lose track throughout the budgeted fiscal year of exactly what is happening, since it is such an onerous burden and the cost associated with the expenditure of workers' compensation. That will be addressed administratively through communication to this body. As well, I have been assured by the next Administration that a major area of review and reconsideration is in health care and workers' compensation costs, including some reorganization suggestions.

So I feel confident in voting this today that we are not losing the ability legislatively or financially for this Council to review what are the growing burdens of the workers' compensation costs to the city operating budget.

Mr. Cohen:

Any other discussion on this amendment? All those in favor

indicate by saying "aye".

The next is a series of line item changes.

Mr. Ferlo:

Move for approval for purposes of discussion.

Mr. Onorato:

Second.

Mr. Ferlo:

The proposal from the Administration, an Administration proposal obviously forwarded to this body from the next Administration of Mayor Elect Tom Murphy and his cabinet. This is a fundamental reorganization of the Mayor's office, not only in terms of both the addition and deletion of job titles and functions, but I think most importantly it projects a new vision for the role and function of the Mayor's office, especially in the areas fundamentally of economic development and business incentive programs in this city and moving this city forward. I think equally so, the concerns that have become very clear to this Council and to the public on major social policy issues confronting this city, including police and public safety issues, services to young people, an advocacy on a broad range of social policy issues, issues that fundamentally the next Administration wants to address and wants to address with a coordinated strategy and a coordinated plan and not a plan that is divested by allocating those responsibilities at lower levels of government through various city departments.

I am very pleased and very excited about what is being proposed here today, and I am very supportive of the total amendment here.

So for clarification purposes, I want to make it clear that my motion is to accept this as a total package, not only the additions -- and you have an organizational chart before you -- but also the suggested deletions both in the Mayor's office, as well, Mr. Cohen and members of Council, there are I believe at least 13 other positions for deletion to streamline other departments throughout city government.

So I want to make it clear I am presenting this as a total package, both the reorganization and addition of key policy administrative positions in the Mayor's office. Included in that is the recognition of funds that will come from Community Development Block Grant administrative allocation to the Urban Redevelopment Authorization. Before you also is an amendment, Mr. Cohen, on that issue transferring those dollars -- you have the amendment before you -- back in through reimbursement to help fund the expenditures in the proposed reorganization. Again, part of this package on this vote would include the eliminated positions, Mr. Cohen, you have before you, the titles

of the affected positions, and at the request of many Councilmembers who were concerned about the elimination of these positions, there is also language that I am sure other Council members will speak to that will provide for their status. While they would be technically eliminated from the budget effective December 31, it would not be reflected in the new '94 budget. There is a consideration here under the other authorization language that would include provision for maintenance of those health care benefits for the one month period during the January month, the accrued vacation time would be paid as if they were employees into the next year, meaning they would accumulate the additional vacation time and whatever accumulated, I believe it is three personal days that would be carried over. So that is also part, Mr. Cohen, just to be clear, that is also part of this resolution.

Again, my resolution that is on the table right now being presented as a package from the Administration is the reorganization, new positions created in the Mayor's office, the elimination of 13 plus positions in the various departments throughout the city government that you have before you, and recognition of the authorization language provided for fringe benefit considerations to carry over for the affected employees. And the amendment under the block grant allocation transferring the necessary dollars from administrative budget of the Urban Redevelopment Authority to help fund and make revenue neutral the new positions created in the Mayor's office.

I defer to my other colleagues. I just want to state very clearly I think when Mayor Elect Tom Murphy got elected, he got elected with a mandate. I think Tom was very articulate and very clear about some very strong view he holds and possesses about reorganization of government, the delivery of services to our residents, the ability to recognize the fact that we have tough times ahead financially with this budget, we have for several years, not withstanding the victory of tax reform as has passed this week.

On a personal note, I feel that the Administration in the last several years has been on automatic pilot and they got us about as far as the foot of the Allegheny Mountains. Now we need a pilot. I believe Tom Murphy has the mandate to be that pilot. And I look forward and am very excited about the changes and the vision that is projected in the proposal that is on the table today.

Mr. Cohen:

Let's make clear what these amendments are, what pages we are referring to here.

Mr. Ferlo, you can help me out, but I believe you are talking about the amendments on Page 2, 3, 4 and the top of Page 5, the first item, "Mayor's revenues," and that shows the balance after the cuts of \$136,821.00.

Mr. Ferlo:

Page 6, and we can take it separately under the CD budget, we will do the transfer.

Mr. Cohen:

Yes, okay.

Mr. Ferlo:

The reason why I suggested we didn't take it separately, it we can just follow this, it is a vote that is a package. Included in that would be the page in Mr. Mascio's papers that he prepared on the Community Development Block Grant allocations, the one amendment which transfers money out of the URA CD budget administration and transfers that money back through the reimbursement process to help fund so as to be revenue neutral the positions in the Mayor's budget dealing with economic development, business assistance, things of this sort. That is the amendment that would be --

Mr. Cohen:

Under Capital?

Mr. Ferlo:

-- under the capital budget.

Mr. Cohen:

That first amendment at the top there?

Mr. Ferlo:

It says "Ferlo, Administration of URA programs to reduce funding by \$266,514.00." Again, this is revenue neutral, redirecting those CD dollars back through reimbursement to the operating budget to fund the positions that Mayor Elect Murphy requested.

Mr. Ricciardi:

Point of procedure. I believe if we did take them separately, there is a possibility that one package can pass without the additional funding from the URA, that, yes, legally we have taken them separately, however, we are sending a bad message to the incoming Administration, because then there is not proper funding for the changes that could be made. So I recommend we take them as a package.

Mr. Ferlo:

My motion is they are a package. I believe it was seconded.

Mr. Onorato:

Yes. Second.

Mr. Ferlo:

I will defer to my colleagues.

Mr. Cohen:

On the package, it would be the operating amendments regarding the Mayor's office, as well as the capital amendments regarding the Mayor's office. I would like to take the other authorization language, though, separately. I don't think you have a problem with that.

Mr. Ferlo:

I do. It is a total package that recognizes -- in my amendment there is recognition and proposal of the elimination of 13 positions. I am not voting in favor of eliminating those positions without the authorization language, I don't think other colleagues here would who felt very strongly about this issue. So they are really all a part of a package involving the reorganization of city government. The elimination of those 13 positions would provide under the Page 6 other authorization language consideration for carry-over of personal days, vacation.

Mr. Cohen:

I think there is unanimity on that issue.

Mr. Ferlo:

I misunderstood you. I thought you said do it separately.

Mr. Cohen:

I am saying to take the other authorization language regarding vacation, personal days, et cetera, separately.

Mr. Ferlo:

I misunderstood you.

Mr. Cohen:

But the capital, of course, with it.

Mr. Ferlo:

No problem.

Mr. Cohen:

Other discussion on these amendments?

Michelle Madoff:

Yes. In principle I support Mr. Murphy and what he is trying to do. I think it is well-intended and I support him almost 1,000 percent. It is time somebody cleaned house and I think it is very difficult for a new Mayor to work in the same old; it is the same way, it always has, so it always will.

There is just one recommendation that I would like Council to reconsider. I think you may be surprised. Incidentally, I must give credit where it is due, and that is that Mr. Ricciardi last year, and I think

Mr. Ferlo, as well, tried to introduce legislation to get rid of the assistants to the assistants to the assistants when we really had some fiscal problems, and there was just no way of getting that kind of support. So again, he was a profit in his own time.

What I want to point out is that the one issue I am concerned about is while Brother Richard might appropriately not be in charge of General Services, there is no one who is honest about it that can question the phenomenal job that he has done in the cable division. I would like to make a request that we consider asking Mayor Elect Murphy to consider keeping Brother Richard in the job as Cable Director. He was originally cable and then became General Services incorporating cable. We have, as you know very well, Mr. Cohen, probably better than anyone else because you have done all the good work on it, the rate problems that are going on nationally, the national information, the leadership that Brother Richard Emenecker has shown. He has been taken and invited all over the country to educate other cities on how to run cable professionally. The greatest testament to what he has done is this Council. Granted, it was my legislation, it took years to get it through so the public would have the opportunity to see what happens gavel to gavel firsthand. But Brother Richard, we all admit, has been eminently fair in how he has photographed this room, how he has treated us, how he has put camera on the individuals to show the issue as they are speaking about it. I think we would be doing a great disservice to the people of this city --

Mr. Cohen:

Michelle, if I may.

Michelle Madoff:

-- if we did not ask to reincorporate Brother Richard.
This is a recommendation.

Mr. Cohen:

Michelle.

Michelle Madoff:

I have a right to make that recommendation, do I not?

Mr. Cohen:

That is not part of this bill.

Michelle Madoff:

When would I make that, Mr. Chairman?

Mr. Cohen:

That is an at-will employee that the new Mayor, of course,
has complete prerogative about.

Michelle Madoff:

True, but if it was you and you wished to make a stated
editorial opinion, you would do it.

Mr. Cohen:

If it were me, I would have run for Mayor.

Michelle Madoff:

As would Mr. Wagner or anybody else. As we will get to
another issue later on, an appropriation I made towards women
issues -- remember folks, when I go out here, there will no
women here for the next four years. This is an example. I want
you to understand I am voicing an opinion. That doesn't mean it
has to pass; it is an opinion. I think we would be doing a
disservice to everyone.

Mr. Cohen:

I agree with you about Brother Richard, he is great.

Michelle Madoff:

I am done. It is faster to let me finish than to interrupt. I am done.

I just want to say would we reconsider allowing Brother Richard to remain, asking Mayor Elect Murphy to reconsider and having Brother Richard serve on the cable division. I think we would be foolish to let him go.

Mr. O'Connor:

Since we are on the subject, I would second that and maybe in the way of a motion send that request.

Michelle Madoff:

That is what I was trying to do. Would the Chair tell us how to do that? The point is we frequently have recommendations or we would like to see something happen. What do we call them, Mike?

Mr. Cohen:

You are talking about a sense of the Council resolution.

Michelle Madoff:

I am making it as my recommendation, as my sense. I have a second on that sense and I would like to have a vote on it to send it back to Mayor Elect Murphy. He can either do it or not do it. At least he will know how I feel and I will love him whether he does it or he doesn't. I want him to know, this is the best Council the city has ever seen in the history of Council, and if we make a recommendation, it should carry some weight. I would just like to make that recommendation and thank you. I didn't talk to Mr. O'Connor, but an enlightened man seconded it.

Mr. Ferlo:

Point of order. I don't support the amendment, but I have no problem voting on it. The time to vote on it would be Monday under motions and resolutions. Technically, that can't be an amendment.

Michelle Madoff:

I don't want a vote on it.

Mr. Cohen:

This is the way we are going to handle this.

Michelle Madoff:

Mr. Cohen, I think you are right: It is not something we will vote on. I agree with you, we don't have that authority. I don't disagree with you. But if you would give me the respect that you give everybody else, I would like to make that as a motion as a will of Council to reflect our thinking, put it to a vote and let it rest.

Mr. Ricciardi:

Which would be at our legislative meeting.

Michelle Madoff:

No, it can be right now.

Mr. Ferlo:

Can we finish this motion?

Michelle Madoff:

That is an amendment.

Mr. Cohen:

We often have individual members of Council that have letters sent through Mr. Michael Perry. I am going to ask that a letter be sent from Michelle Madoff through Mr. Michael Perry on that, but we are not going to have a vote on it today. We can't have a vote on it today because it is budget.

Michelle Madoff:

Fine. As an point of order, would there be anybody else willing to sign my letter? How many people here would sign? Would you sign it, Jack?

Mr. Wagner:

Yes.

Mr. Cohen:

We are out of order. We are going to do this at a legislative meeting. I like Brother Richard. Other discussion on these amendments?

Mr. Wagner:

Mr. Chairman, members of Council, I know that several of

you have had extensive discussions about these amendments with the future Administration, and I know that these changes, proposed change, have come over to our budget office in communication between the future Administration and the present Administration. I, for one, have not been privy to any of this in terms of anyone discussing what these changes are. There are some massive changes being proposed here. I don't think these changes should be glossed over lightly. I don't think we should vote on three pages of changes without the public knowing precisely what these changes are.

I know Mr. Chairman, the other day you indicated specifically by line item every single change that was being made in the budget, and the best I can tell in glancing at it, what is being proposed is all positions in the Mayor's office presently today are being eliminated, except for the Mayor's position him or herself, and a number of different changes, different job titles, different salary structures, are being proposed. I recall us talking in great length about the difference of one of our salaries for one member of the city clerk's office, and we have in front of us at least 20 to 25 new positions that represent a dramatic change in the budget. Again, it is the first time I have seen it, no one has explained it to me, I know the public knows nothing about it, and I think line item by line item we should be discussing what these changes are, what the salary amounts are, and what is being proposed in the amendments. I think that is only fair. We have done it every other time we have voted on anything in this budget. There may be some things in here that some members of Council like and some members of Council don't like, and therefore, I think at very least, Mr. Chairman, if not yourself, I will go down and go over some of the things.

But we all know there has been a lot happening and a lot anticipated to happen in the last several days. People have been told that they are going to be fired as of January 3rd. The positions will remain for those people. There are positions in here that we are proposing to give our signature to to eliminate, and those people will be gone at the end of the year. Some of us may agree with all of them, some of us may not agree with all of them. I think those kinds of items need to be told to the public at least so they know what is happening, because basically, no one does know what is happening except for this information that has been provided to us just within the last several hours.

If it were the present Administration, we would all be jumping up and saying, "It is the eleventh hour, we are not going to be spoon fed." I think this is a major structural change. I think the details of it have to be put out in the open.

Mr. Cohen:

Other discussion?

Mr. Wagner:

Mr. Chairman, I don't know if you intend to read this, but I for one --

Mr. Cohen:

I have no objection to doing that.

Mr. Wagner:

I think it should be. In all fairness, it should be. If there are new positions being put into the budget, they should be clearly stated, as we have done with every other single aspect of this budget so far.

Mr. Ricciardi:

If it is a request from Mr. Wagner, it should be read line by line, Mr. Cohen.

Mr. Cohen:

I will read these items.

(See agenda.)

Mr. Wagner:

If I may continue.

Mr. Cohen:

Mr. Wagner.

Mr. Wagner:

Thank you, Mr. Chairman. I know, members of Council, you have been patient in the reading of all those, but these amendments that have come over to us, they are drastic in many different ways; the addition of new positions in the Mayor's office and the elimination of positions in city government where people are in those positions. Some of those positions I think should stay, to be quite honest with you, and I still don't know the argument behind the elimination of those positions, which is, in essence, the removal of those people. Positions like the administrative aide in public safety, which is I believe held by Craig Merritt presently who plays a very important coordination job between various agencies and special events in the coordination of public service, whether it be police officers at corners at the Three Rivers Regatta or whatever, emergency medical services, I think some of those positions are very

important and I don't think they should be eliminated. But I know many of you think differently.

There is, though, one aspect of the budget proposal in front of us that, again, I have received no information on, and that is job titles for any of these new positions. I don't know, Mr. Chairman, if we have been provided job titles for any of the new positions, job descriptions with the job titles. I have not seen any. And I think it is very difficult for us as Council to vote for new jobs in the budget, of which there are at least 20 of them here and we don't know what the functions of those jobs are. Back in 1985 -- and I am passing this out -- I made an amendment to the Code of the City of Pittsburgh back at the time when John Norton was the Director of Public Safety. The amendments of the Code reads as follows under Section 180.5, Personnel: "All newly created positions of employment with the City of Pittsburgh shall be accompanied by a detailed description of job duties, qualifications and requirements." The reason why I made the amendment to the Code back then was that we had a new public safety director and a reorganization of the Public Safety Department that came with an onslaught, and I mean an onslaught, of new job titles at various salary ranges. I personally as a councilman at that time had serious problems with that. I had no way to react to it except the change in the Code. I would hope -- and I haven't seen the same occur with the many new job titles that are proposed in this budget. I would simply ask, Mr. Chairman, that if there are job descriptions, that they be provided to every member of Council. We have held the present Administration to this change in the Code, and I think the way I look at this budget, and I know some of you look at it differently, my name is on this budget and even though we have two new Council members coming in next year, it is still a budget that Jack Wagner and Michelle Madoff who are leaving have to sanction, as I would suspect Mayor Masloff would feel in her proposed budget to us and these proposed changes to us. The problem is that it does not meet the mandate of the City Code in terms of what these jobs are all about.

When I sat down here today I was pleased to see an organizational chart of the Mayor's office that was put together that shows who would be reporting to whom, but I really think in order for us to fund these positions at the magnitude of which we are funding them -- and my best guesstimate is that all the positions in the Mayor's office that are being eliminated total about \$500,000.00, and the positions that we are putting into the Mayor's office alone exceed \$1 million, so there is double the allocation of money to that office. And there are changes in job titles in Fire, in BBI, in Water, in Planning, of which there are job titles and positions I have never heard of before, and where they are being retitled at the same salary or slightly different salaries.

So I would simply suggest very strongly that we cannot approve a budget that has these positions in it unless it has the substantive data to support what the jobs are all about.

Mr. Ferlo:

Mr. Cohen, may I make a brief statement? I think a number of Council members have spent some time deliberating with the Administration spokes persons about the reorganization. I think to be fair to Mr. Murphy in particular and to that Administration, which up until probably late Wednesday night I think was very obvious what has been going on in Harrisburg, the success we have had, my understanding is as we speak all of these job descriptions are being finalized. I am very confident that they will be here for the final vote on Monday. Those are issues being worked out right now terms of the actual job description. I think Mr. Wagner's point is well taken. I think we need to move ahead.

Mr. Wagner:

The problem is we are voting on the budget finally today, that is our anticipated schedule. I said earlier in terms of the job eliminations with people in them, I am very uncomfortable with that. I can work with new positions if there is appropriate data to support it. And so taking even all of this as a total package, I think it involves various departments, and I can see in general categories of taking them of new positions and elimination of positions, but I really think in order for us to vote on these new positions, it should have the appropriate supporting data. As of this date and time, it does not. I would hold any director of any city department with this administration accountable for the same if they came with a new job title.

Mr. Ferlo:

I want to clarify. What I meant in terms of the Monday date is we are convening again and we still have an opportunity to receive additional information. I feel very confident knowing what I do know about --

Mr. Cohen:

Final vote is today on the budget.

Mr. Ferlo:

I misspoke. I am saying we have another meeting on Monday and can receive additional information.

Mr. Ricciardi:

Thank you very much, Mr. Chairman. Colleagues, change is also very difficult, and as I view these amendments today and had discussions with the Masloff and the Murphy Administration,

you can really say a massive change or change at this type of breath is most difficult, especially when you deal with people's livelihoods, I think, is extremely difficult. I recall this body when I we discussed in 1992 the elimination of 20 some positions at a savings to the taxpayer of \$1,100,000.00, and I remember the emotions that ran on that. But I think we are embarking on a new era. I think, matter fact, the voters of the City of Pittsburgh have given the new Administration, Murphy Administration, a mandate, and the mandate was they expected him to live up to his platform. From following that race very closely, part of his platform, he not only talked about economic development in his vision, but he also talked about changing the structure of city government, both in terms of the Mayor's office and in terms of how he perceived his Administration delivering city services and how he believed his Administration would make the city customer friendly. I think in that, realizing that, that myself, I owe it to the voters of the City of Pittsburgh who voted in the last election and also as a courtesy to the incoming Administration to live to the commitments they have made to the voters to approve this package today. And I sit here today and am willing to approve this package as a package. I took my time and I went over some of the positions that we spoke of, and some of the positions that I spoke of in the past when I thought that city government, along with other governments, along with the private sector, was ballooning, that they were increasing their middle management. And the way I read this package today, that I see a centralization of activities and responsibilities in the Mayor's office, which shows me that we are going to have a Mayor that wants a hands-on Administration, that I see that we are streamlining city government in order to stop the bureaucracy that just has grown over the years, not the responsibility of any Administration or this body, but just naturally has growing in this country. So I believe from the discussions that I have had -- and let me state at this table that I initiated the discussions; I called the Masloff team and I have had meetings with them, and I initiated all discussions with the Murphy team. I went out of my way to contact some of the people that were mentioned as the Deputy Mayor and I went over as much as I can with them.

Again, I feel confident today. I respect and appreciate Mr. Wagner's comments today, and I mean that in all -- very genuine remarks on my part. However, I think I am ready to vote on this today. We have another meeting on Monday, and I am sure that those descriptions will be coming forward. Let's not lose thought of what Mr. Ferlo has mentioned in terms of the success the Masloff and Murphy team has had in Harrisburg and how time consuming that was. Thank you.

Mr. Onorato:

Thank you, Mr. Chairman. I will be brief. Looking at the

numbers and changes taking place here, I want to clarify some of the totals, and maybe we ask our budget person here. But it appears to me by reading these numbers, there is actually a net savings and that the net savings is being put into miscellaneous account in the Mayor's office. We have had a lot of positions both increasing and decreasing, and I want to have what the net effect of all those changes are. It appears there is a net savings here. If that is true, if I am reading this right, if Mr. Keller could just confirm that, I think it is important, an important point.

Mr. Cohen:

That is correct. I stated that earlier, but that is correct as I understand it, that the balance after these changes and the cuts is \$136,821.00.

Mr. Onorato:

Thank you. The other thing I wanted to point out is that I agree, there is a lot of difficulty with change. There are a lot of names that I think are good people and it would be nice to see them stay. We get phone calls in our office for and against individuals. But we have a new Mayor and we have really a change, a change for the first time in 30 years in administration, as far as I am concerned, and that is clean break. We are going to see a lot of changes here. If you look at the positions that are being put into the Mayor's office, they are pretty exciting to me. If you look, for example, there is an assistant to the Mayor who is director of intergovernmental relations. The one thing we have been talking about recently is coordinating all the different levels of government and trying to work as a team. We just saw that with the passing of the regional assets in Harrisburg, and we are going to have to continue this to be a thriving city. I am glad to see there is somebody in the Mayor's office directly under the Mayor that is going to be handling the coordination. Also, there is an assistant to the Mayor for economic development. One thing we have to do in the city is start developing the river fronts, start developing these lands and these old steel mill sites that we have. It is very critical that we move forward. Once again, directly under the Mayor, not in some other department, you also have an assistant to the Mayor for neighborhood policy. Obviously, we have had major renovations Downtown over the last two administrations. It is time to move into the neighborhoods. The neighborhoods right now, I look at them as on a bubble; they can go either way. And I really believe that we have a lot of great neighborhoods that are stabilized and have to remain stabilized and we have to help other ones and bring them back. Once again, directly under the Mayor, also you have an assistant to the Mayor, the director of communications, culture and tourism to bring in the money that

we receive from tourism. We are a service sector town, we have lot to offer, being ranked No. 5, once again directly under the Mayor. I can go on and on and on.

But the major change here is that these positions are no longer in different departments, they are under the Mayor, which the Mayor Elect Murphy coming in is saying that, "I am taking responsibility for these particular areas of the city, economic development, the youth problem that we have, and that I will be responsible for it." I think that when a Mayor gets elected, he has the option to design his Mayor staff the way he likes. We still have our check and balances, we still have to approve every dollar throughout the year. If we see something we don't like, we can bring the city to a halt by stopping the money and dealing with the Mayor.

But I think the fact that these amendments came through as a request through the city Administration and that the city Administration as a courtesy and to Mayor Masloff's credit recognizes that we have a new Mayor and it is his call now in the Mayor's office, she didn't fight it, I assume she is not going to veto any of these changes, that we should move forward, give the new Mayor that prerogative and, hopefully, these positions will address the actual title, problem they are named after to address.

So I look forward to the change and I hope that in six months we can say this has been an improvement to the city. But just remember, I want to make it clear, that the check and balance of this body is still in place.

Finally, the issue over individuals that are going to stay until January 1st or individuals that might leave at the end of the year should be made clear that through these amendments in front of us, that that will be equalized. Every individual, regardless of when their departure date is, will receive the identical benefit as if they worked on January 3rd. No one will lose that benefit under these amendments. I wanted to make that clear. Thank you.

Mr. Wagner:

Thank you, Mr. Chairman. A lot of good points are made here today, but I have learned this budget over the years and I can see where we are going. What we are proposing today is a Mayor's office twice the size of the existing Mayor's office, a Mayor's office that now has five salaries over \$40,000.00 with a Mayor's office in the future having at least 20 people with salaries over \$40,000.00. Again, maybe all of you, the philosophy has been given to you for that, but it certainly hasn't come to me. I even asked our Finance Chair as recent as hours ago and it wasn't proposed to him.

I know all of you are going to be here next year. The Charter of the City of Pittsburgh gives any Mayor the right to reopen the budget and to make whatever changes are deemed as necessary in that budget. I think that is very appropriate.

But for me to be part of the ax falling on ten people where jobs are being eliminated -- and that is, in essence, what what we are voting on today -- is not the job of this Council or this Mayor. As far as I know and as recent as I checked, Mayor Masloff is still the Mayor, and in being the Mayor, I don't know if this Mayor agrees with all this, all of you are saying this Mayor does, but what I am saying is these same exact changes with detailed information can be made on January 3rd as they are being proposed today with budgetary changes. I would further state that that concerns me. I don't think that the future Council should be determining how this budget is; I think this Council should be determining how this budget is for the City Clerk's office or anything that falls directly under our jurisdiction. What is being proposed is precisely the opposite here. That is what concerns me.

Now I would like to make an amendment because I sense that this major change with job eliminations is going to occur, but I would like to propose, Mr. Chairman, that we amend and take out one position that is in here which is the only position that falls under Civil Service Commission, which is the Courts Administrator position. Again, there has been no data supplied indicating why these positions are being eliminated. That being the only position that falls under Civil Service to the best of my knowledge, and I am unsure even what new positions fall under Civil Service, I don't know if our budget staff has analyzed that, but I know there is one in here that falls under Civil Service and I would like to propose that that be deleted from this entire amendment in the form of a motion.

Mr. Darkins:

Second.

Mr. Cohen:

There is a motion and second to delete under the Magistrate's Court Code Account 1022, Courts Administrator. Any discussion on that motion? Roll call vote.

Roll call vote:	<u>Ayes</u>	<u>Noes</u>
	Mr. Darkins	Mr. Ferlo
	Mr. Wagner	Michelle Madoff
	Mr. Cohen	Mr. Onorato
		Mr. Ricciardi
		Mr. Smith

Mr. Perry:

Ayes three noes five.

Mr. Cohen:

On the rest of the bill.

Mr. Darkins:

I was not present, Mr. Chairman, and I would like my comments brought forward to this effect that I think it should be well-known that these new created positions, whatever it might be, when we think about the money that is entailed and the cost here, it is pure political payoffs, pure political payoffs. It just doesn't make sense and I don't think that when you really look at the ramifications about this whole thing and how these moneys are going to be paid, they say we are going to save, we are not saving; we are adding. It is going to cost the taxpayers of the City of Pittsburgh double. I really have strong convictions about it.

I join Mr. Wagner and I think that my colleagues should really examine and look at the law in regards to Civil Service. Here we are going to come to this table, and it will come up that, we will be in court on that one, too.

So I just think it is pure political payoffs. The salaries for these people, the salaries for these people, not one of the colleagues at this table make that type of money and you are an elected official.

Michelle Madoff:

We never have.

Mr. Darkins:

And these people have not been elected, have not been chosen by the taxpayers of the City of Pittsburgh, and just the salaries alone makes City Council looking like laughing guinea pigs. I don't care what you say.

I really think that you should, colleagues, you should consider the language that President Wagner has presented. I had to step out a minute and was not here for all of it. And I think that you should consider where we are going to be.

Someone might say that they are making deals. I want it on the record that Duane Darkins hasn't made any deals here today. I want that on record.

I am concerned about the operation of the City of Pittsburgh here and I am concerned about our tax dollars and how they are to be spent.

Michelle Madoff:

One quick comment. Let's deal in the real world here. We have a new Mayor, hands-on Mayor, a Mayor that wants to get something done, isn't relegating his job to other people and is

picking the people he thinks will be the best people to work with him. And frankly, if we care about the city --

Mr. Darkins:

You are going south, honey. You are going south.

Michelle Madoff:

That is not exactly fair. The issue is that I believe we have a responsibility to help the new Mayor bring us into a new era. We have been stagnating for six years. It is time we got on with moving this city. I love this city whether I will be here or not and I think we have a responsibility to help the new Mayor do what they think is right. Give them a chance.

Mr. Ferlo:

Call the question.

Mr. Cohen:

I want to make a few brief comments. I support very much the new Administration and its reorganization of the Mayor's office. What I have a problem with is the means of paying for it. As Finance Chair, I was only briefed on this yesterday. I don't think that the means of paying for it has been properly considered by both sides; by the new executive branch and the legislative branch. Mr. Ferlo, you said there was deliberation, and I respect that, but no one deliberated with me. I was presented with this yesterday as a done deal.

I have trouble laying off individuals as a first resort. I think it should be done as a last resort. I don't want to do anything to impede the new Administration in setting a course, because it has every right to set that course, but at the same time, we are being asked to vote today. So I can't in good conscience vote for these layoffs and I am going to abstain on this vote.

Roll call vote.

Roll call vote:	<u>Ayes</u>	<u>Noes</u>	<u>Abstaining</u>
	Mr. Ferlo	Mr. Wagner	Mr. Cohen
	Michelle Madoff		
	Mr. O'Connor		
	Mr. Onorato		
	Mr. Ricciardi		
	Mr. Smith		

Mr. Perry:

Ayes six, noes one, one abstention.

Mr. Cohen:

The next item is on Page 5 under Parks and Recreation, Code Account 1838. Mr. Keller, you are going to have to help me with this one, because I am not sure exactly what this is.

Mr. Onorato:

Point of order.

Mr. Ferlo:

Can we please vote on the other authorization issue you wanted separately?

Mr. Cohen:

Thank you, Mr. Ferlo, Yes.

Mr. Ferlo:

I so move the following other authorization language which you have listed on Page 6.

Mr. Onorato:

Second on the other authorization.

Mr. Ferlo:

Which, as I indicated earlier relative to these 13 positions, would carry over personal days, one month health and whatever accrued vacation time.

Mr. Onorato:

Second.

Mr. Cohen:

Motion and second on the other authorization language on Page 6. Any discussion on that motion?

Mr. O'Connor:

One thing may be noted here, that any of these people that for whatever reason their position is deleted, they would still have time to come back and reapply for other positions in the city and hold their time. That is a benefit I don't think that came up. Besides their vacation benefits and medical benefits for a month, if the new Administration looks, and there are some very good people here, as has been brought up, maybe they would

be fit in other positions so they would not lose their time. There are people with over 10, 15 years experience that I think the city hopefully would look at and still be an asset.

Mr. Cohen:

Roll call vote on the other authorization language.

Roll call vote:	<u>Ayes</u>	<u>Noes</u>	<u>Abstaining</u>
	Mr. Ferlo		
	Michelle Madoff		
	Mr. O'Connor		
	Mr. Onorato		
	Mr. Ricciardi		
	Mr. Smith		
	Mr. Wagner		
	Mr. Cohen		

Mr. Perry:

Ayes eight, noes none.

Michelle Madoff:

Mr. Chairman, you just said Page 5. I colleagues are looking at 6, but I think there is a correction on 5.

Mr. Cohen:

Yes, now we are going back to 5. Under Parks and Recreation, Line Item Code Account 1838, United Community Organization, apparently there was a clerical error. It should read \$700.00 instead of \$7,000.00. Motion to approve?

Mr. Smith:

So moved.

Michelle Madoff:

Second.

Mr. Cohen:

All those in favor?

The next three amendments, excuse me, two amendments, are Michelle's amendments. Let me just read them and then, Michelle, you will have the floor.

Code Account 1103, Esplen Citizens Council from \$3,000.00 to \$2,000.00, net change of \$1,000.00; same code account, Mt. Washington CDC from \$7,000.00 to \$6,000.00, net change of \$1,000.00; and under Code Account 1838, Sheraden Youth Center

from zero to \$2,000.00, net change of \$2,000.00. Is there a motion to approve?

Michelle Madoff:

So moved.

Mr. Smith:

Second.

Michelle Madoff:

Discussion. Mr. Chairman, members of Council, I request the respect of having a three minute statement made that I think needs to be made for the world to understand.

It would be funny if it wasn't so tragic. Talk about stupidity and political posturing. Now come Dennis Helterbran of the Sheraden Youth Center claiming that because of political retribution and his support of Attorney Hertzberg, Michelle Madoff punished the youth group by denying them support. Nothing could be further from the truth. If Mr. John Bull from the Post Gazette had done his homework -- and as I recall, I think I mentioned to him on numbers of occasions -- he would have discovered, if he bothered to remember anything, that a well-documented history exists of past and current funding of Michelle's commitment and support of the Sheraden Center. My allocation of \$2,000.00 this year to the group was never requested. Again, it was not requested by the Sheraden group of our office, but we learned about it late from the budget office, and upon learning of it gave them their \$2,000.00 which appears on the budget today. Further, how do you award money to a group that has consistently refused to accept it? In order to conduct Madoff bashing on the political trail, Allen Hertzberg publicly in front of a large audience on Mt. Washington laughingly stated he would chastise his postman for failing to deliver his documents to receive funding in both 1991 and 1992. I have the documentation from the city attached. It appears Mr. Hertzberg orchestrated my seed money, the money Michelle Madoff gave to the Sheraden Youth Center in 1990 for the 1991 budget, refused it from a mailman in '91 and '92, we checked the address, I read it to him at the meeting, he admitted it was his address, and then got his money in 1993.

In summary, I would have avoided the appearance of any sour grapes and let the issue die, knowing the leopard doesn't change his spots and Mr. Hertzberg will show what he is all about in due course. However, the untruthful allocations published in the Post Gazette are so outrageous as to demand a response. All the back-up documents are available for Council members and those in the media who would like to know the facts, particularly the Post Gazette, to read.

(Whereupon, Mary Anne Hruska temporarily relieved me of reporting this meeting.)

- - -

Michelle Madoff:

In summary, I gave the Sheraden Youth Center money in 1990 for the 1991 budget. The mail went out to him offering to give him the money in 1991 for 1992 to his home address and he didn't accept that money and Madoff bashing the whole campaign that I didn't give money to the Sheraden Youth Center. And now we have people saying I'm punishing them. They don't go to our office they go to the Budget Office upon learning that they actually really wanted some money we gave them some money and I think that needs to be corrected and frankly the public needs to know what they are going to be dealing with and colleagues, you need to know not to turn your back on Mr. Hertzberg.

The Chair:

All those in favor of the motion? Opposed? The ayes have it.

Mr. Darkins:

I was out of the room on that vote. Can I register that I'm opposed to the amendments.

The Chair:

Sure.

Mr. Darkins:

Thank you.

The Chair:

Under revenues, parking tax from \$22,925,000.00 to \$22,985,000.00 and then Reimbursement Community Development Parks and Recreation from \$431,000.00 to \$506,000.00, a net change of \$75,000.00 making it revenue neutral, Mr. O'Connor, that's your amendment.

Mr. O'Connor:

Motion to approve.

Michelle Madoff:

Second.

Which motion prevailed.

Mr. O'Connor:

The total for the opening of schools and the community centers that we have funded stays at 350 and we just took 75 more out of CD money so the total 150 and 200 out of the General Fund but I want assure that every community will be eligible for the program.

The Chair:

Any other discussion? All those in favor? Opposed? The ayes have it.

The next amendment by Mr. Wagner and Mr. Ferlo under non-departmental revenues, Police, Fire and Municipal Widows Fund, from \$93,000.00 to \$124,000.00, a net change of \$31,000.00 and raising the funds from prior years by the same amount from \$8,482,067.00 to \$8,513,067.00. Is there a motion to approve?

Mr. Wagner:

Motion to approve.

Michelle Madoff:

Second.

Which motion prevailed.

Mr. Wagner:

Members of Council, several years ago pensioners for this city have received actually on numerous occasions have received increases. I know many of you have worked on that and have been a part of it. If you go back ten years ago Councilwoman Madoff recalls I'm sure each and every year just about changes were made to the pension structure. That has seemed as if it has never stopped for pensioners in general in this city. Unfortunately the case is not true for widows that fall under an old system where traditionally what they received was \$100.00 per month, and you can imagine a widow living on \$100.00 per month and probably a social security check besides that, maybe totaling both together \$400.00 or \$500.00 per month when the cost of a living quarters may be one-half that.

About four years ago I don't recall precisely when but I made an amendment of which Council unanimously supported to increase that \$100.00 a month to \$150.00 a month. Today's amendment is a similar amendment of which Councilman Ferlo has asked to be co-sponsor which I'm pleased to see and that goes from \$150.00 to \$200.00. So in other words it would be a 33 percent increase to the approximate 100 widows that are on the old system for them to receive a \$50.00 a month increase. Each

and every time the pensioners come to Council and lobby, these widows on fixed pension are never part of that lobbying effort and it really takes this Council I believe to increase it, to justify it and it certainly is justified. These people are living on virtually nothing and it's a minor amount that we can include in the budget to help some people in need, some people that have been in essence neglected, so I would appreciate your support.

Michelle Madoff:

I'd like to thank Mr. Ferlo and Mr. Wagner for doing that. I have been a little preoccupied with a number of issues and I can't thank you enough on behalf of all women for caring about women and women's issues. I think you're absolutely right. I have been trying and I've been with you for a number of years when Ben Woods tried to do something really meaningful to set aside some money and it just didn't work out but it was well-intentioned. We have really not rewarded the people who have given their lives to this city and those widows are living on dog food and they have to choose between heating and eating. They have problems every year when their Medicaid costs and Medicare costs go up, their GAP insurance and they barely exist and I would like to end on one note. This is my last day here and I would like everybody to remember the new colleagues. If you start going to negotiated bonds you are going to have enough money to give them \$1,000.00 next year.

The Chair:

There is a companion here and I think that's what Mr. Wagner was just going to say. There's a companion item here and that's at the bottom of Page 6. It adds the following: "Council hereby authorizes that each widow currently receiving the \$150.00 per month payment from Code Account 58.5 will effective January 1, 1994, receive \$200.00 per month from Code Account from 58.5, Procedures for payment of this amount will remain the same". If we could have a motion and a second on that and let's vote on them together.

Michelle Madoff:

So move.

Mr. Ricciardi:

Second.

Which motion prevailed.

Mr. Onorato:

I want to point out that I know myself and a lot of my colleagues have consistently shown their support for the retirees and the widows with their vote and I will be more than happy to join them in authorizing this. I supported the retirees and I'm definitely going to support the widows. If there's one group in the city that has been under funded it's these two groups, so I support this particular amendment or both of these amendments enthusiastically today.

The Chair:

All those in favor? Opposed? The ayes have it. Are there any other operating budget amendments?

Mr. Ricciardi:

Mr. Cohen, at this time I'd like to make a motion to delete a grant that we have allocated several days, the Vulvar Pain Foundation application we received from North Carolina.

The Chair:

Second.

Michelle Madoff:

You're seconding it for discussion or seconding it to support it?

The Chair:

Second, I will support it but discussion.

Michelle Madoff:

Support the removal or support leaving it in?

Mr. Ricciardi:

Motion to delete.

Michelle Madoff:

Are you seconding the motion to delete?

The Chair:

Yes, I am.

Michelle Madoff:

Again, I wrote this out because I want to try to be brief as possible.

My issue of supporting the Vulvar Pain Foundation, again this was reported full page in the New York Times a month ago. The fact that the group is out of North Carolina is of little importance. The seminars for physicians and patients will be conducted here in Pittsburgh in the Spring of 1994 and probably under the auspices of one of the major hospitals and that hasn't been worked out yet.

The \$10,000.00 allocation is seed money to help the group based coast-to-coast, Denver, California, North Carolina and elsewhere -- actually they are not based, the people involved are all over the country -- bring much needed information on this terrible affliction which affects thousands of men and women and is desperately needed for research, development and public education. Interesting while it affects mostly women, it does affect men as well. Basically it appears for the most part to be an allergic reaction to foods which produces calcium oxide which in turn forms crystals and painfully attack the various organs of the body most frequently the vulva. It can also create irritable bowel attacking the stomach and various other organs of the body.

Once again, women's issues aren't important enough to warrant financial support to help solve a serious medical problem.

I know that when amyloidosis came to the forefront it was relatively new and this is relatively new. And we know that sufficient research dollars have never been allocated to the study of breast cancer in women and it's one out of four can get breast cancer. Anyone who objects to this grant basically feels women are second-class citizens. It doesn't matter what you say it's what you do. If you vote against this bill because the program is going to be right here in Pittsburgh you're saying women are not important. And what else would I expect from old Sophie who is expected to veto the allocation and women remember this outrage.

Let me tell you that if this bill goes down and if it is removed and it doesn't pass, you will be doing the greatest service to the women's movement because women will rally around these issues and believe me they will know which members of this Council do not support important women's issues.

The articles that I have distributed to my colleagues in detail the one in the New York Times, the one that appeared in Ladies Home Journal December issue really detail this horrendous problem and for any man to take the position that we are not

going to support seed money because the home office is based in North Carolina -- The major research for cancer is in done in Washington, D.C. and the program will be done with doctors here in Pittsburgh and it will be done with patients here and people who are suffering from this affliction. Vote as you wish but everybody is watching, particularly women.

Mr. Ricciardi:

Michelle, I had an opportunity to speak to you privately and now I'd like to say this publicly. I would like you to redirect the dollars to Magee Women's Hospital here in the City of Pittsburgh and I'm sure they can follow up on some of your a fine suggestions in work in this field. Would you be willing to make that change?

Michelle Madoff:

You weren't listening. I already said that the details of how the program would be worked out would probably be through one of the women's major medical hospitals.

Mr. Ricciardi:

Would you be willing to change the application?

Michelle Madoff:

I can't do that without talking to them. I can't say to the hospital that they will do that. I'm saying the Vulvar Foundation has talked to a number of physicians, leading physicians in the country and in the world who have not identified this problem. It is a new problem, it has only come to the forefront in the last ten years and basically in the last six years. Nobody is going to give money. The next Council is not going to give money to a program they feel is not being adequately addressed, the proper people running the program, so that you're not in danger of giving money to something that is inappropriate. It would be relatively simple between now and the time that the program will be conducted in the fall for the group to come to Council and tell you what physicians which hospital will be leading this research project, who will be doing the educating of the public, who will be educating the doctors, who will be helping the research program which is going on along nationally bringing the women with the affliction who are hiding their problem to the forefront and trying to solve the problem and I think to say that I'm going to vote against it because we don't know who's going to conduct it is an invalid vote because I can say Mr. Ferlo or Mr. Ricciardi, I don't know who is going to run some of your programs therefore I don't want to vote for them because we don't know exactly who's going to do it. I believe that no city is going to allocate the money

unless it's done appropriately and at that point if it isn't done then the monies would not be available.

Mr. Ricciardi:

I find it very difficult to believe that a group from North Carolina is on the cutting edge of this type of medical research when here in the City of Pittsburgh we have the finest medical facilities and the finest doctors and the finest medical community right here in our backyard. I just can't believe that North Carolina is on the cutting edge.

Michelle Madoff:

The research is done in Denver, it is not done in North Carolina. The research is done in California, that's where the research is being done and they are on the cutting edge. The group that was formed to inform people and bring people together and let them know they're not alone that they're other people around the world who have this problem is based in North Carolina. They are the conduit to bring the program and the doctors from Denver and from California and from other places to Pittsburgh. Again, if the program is not appropriate the money of course would not be appropriated and the program will stand on its merit. And for any person to hide behind the issue, we're a center for transplants and other cities are not. Different cities have different strengths in the medical field and I urge you not to let the women down and to vote for this on the basis that if it is inappropriate when the time comes and the program doesn't meet the standards of what you think is appropriate Mr. Ricciardi at that point you can vote against the money.

Mr. Wagner:

Michelle, can it be validated that these dollars would be used for city residents?

Michelle Madoff:

Absolutely. As a matter of fact, Mr. Bulls who is full of it spoke to the head of the foundation and was told that the program -- he knew before I did -- that the program would be in the spring of 1994 to educate the doctors and bring people who are suffering from this syndrome together because I can tell you that I know women who have gone to dozens and dozens of doctors and the doctors have not been able to identify it and they don't know what to do about it and I repeat. If the program as it is outlined does not meet with the critique of the next Council, don't appropriate the money.

Mr. Wagner:

If I can ask a budgetary question. Does these dollars come out of block grant money?

The Chair:

No, they come out of grants and donations.

Mr. Wagner:

As long as -- I'm comfortable with it as long as it's validated that it services the city residents.

Michelle Madoff:

I agree with you. I wouldn't do it any other way. I wouldn't sponsor a program for North Carolina -- I'm going to be in South Carolina, not in North Carolina, it's quite a distance. The research is in Denver.

Mr. Ferlo:

Mr. Chairman, on the actual amendment which is before us which is to delete I'm going to abstain and I'm going to explain very briefly why --

Michelle Madoff:

-- if you abstain I'm going to abstain on you.

Mr. Ferlo:

I think it's very unfair to present the amendment this way and we're unfortunately not going to discuss the real merits of the issue and I'm abstaining on Mr. Ricciardi's amendment to delete.

The fact of the matter is we're creating much ado about nothing here. The fact of the matter is all of these grants including all of the organizations and community groups that I've funded that happen to be in my Council district including some that provide services on a city wide basis and not parochial just in Council District No. 7, all of those organizations are funded through the will of Council. In approving all of these grants, whether it be the grants and donations process or the community development block grant, we are expressing the legislative intent of this Council to provide funding for organizations. We should not fool anybody and clarify the process. Following the listing of these organizations which at this point is nothing more than saying what the intent of Council is, there is a several month extensive contractual review process by the executive branch of

government involving the Department of the Solicitor's Office, ultimately the Mayor and in fact the future mayor will ultimately forward back to this Council a resolution in the execution of the contract.

(AT THIS POINT, MS. KRIEBEL RESUMES STENOTYPING THE MEETING)

(CONTINUED ON NEXT PAGE WITH NO LOSS OF CONTEXT)

MARY ANNE HRUSKA
STENOTYPE REPORTER

Mr. Ferlo:

None of that can happen without a bona fide organization that has an extensive review process in terms of formulating the contract. It has been clear by every organization we funded, and Mr. Wagner said it best: If organizations do not provide services to city residents, they cannot be considered for funding by this Council.

Accordingly, I will abstain on

Mr. Ricciardi's amendment to delete. I think it is premature. I think we should stick to our process, which I think is a good, bona fide process.

Mr. Wagner:

Mr. Chairman, if I may, I just want to echo some additional thoughts, that each and every one of us have made recommendations for various groups, of which there are a couple hundred under CDBG moneys and grants and donations. Every member of Council knows that each and every one of these groups must come back with a separate piece of legislation next year when the moneys are available for allocation. Scrutiny is provided not just initially, but more thoroughly at a later period of time. If this group does not provide its sufficient data to prove that this service is for city residents, those dollars will not be allocated. It is as simple as that.

I further want to state the media tries to make an embarrassment out of the grants and donations in this morning's paper of over \$1.1 million. Unfortunately, the public thinks that this is the same as the WAM moneys, the walking around moneys, at state level that have no legislation associated with the allocation of the moneys. Each and every allocation of dollars from city government must be publicly advertised, must be voted on in Council at least twice, must receive five votes, news receive the signature of the Mayor, must have the approval of the City Controller, and we can go on and on and on. I have, just for the sake of public information, designated several groups, of which some people may question also; Mom's House, the Vietnam Veterans, and I can go on and on, groups that I will stand behind and stand up for because of the service they provide to this community. Unfortunately, there is a tremendous misunderstanding that the media is trying to present that these dollars are similar to the way WAM dollars are allocated at the state level. It is absolutely not true.

Mr. Cohen:

Let me say a few words, then Mr. O'Connor, then we will vote.

I agree with what Mr. Ferlo and Mr. Wagner both said about there being a process, and there is a process, and that is particularly the case with Community Development Block Grant

money. Aside from what Mr. Ferlo said, beyond that even, the groups have to submit invoices, they can't get paid until they submit invoices.

The reason I am voting for Mr. Ricciardi's amendment is I think this group -- it has come to light that it is a very different in kind than any of the other groups. I have never seen a group that we have funded that is outside the City of Pittsburgh and outside the State of Pennsylvania. I trust what Michelle says about it being a good group, but we are elected by the people of the City of Pittsburgh and we can't be in a position of funding groups outside the city and outside the state of Pennsylvania. So that is why I am supporting this.

Mr. O'Connor:

I think Mr. Ricciardi brings up a good issue. I would certainly like to support Michelle's initiative here. To give you an example, I know my wife over 15 years ago had TMJ problems, we had to go to Washington, D.C.; no one in Pittsburgh ever heard of it. Now almost every hospital has a clinic. But I would strongly ask Mr. Ricciardi or Michelle, if we could put in the legislation that if we are guaranteed it goes through and we use Magee Women's Hospital or one of Pittsburgh's hospitals, I think he is absolutely right. If it comes through Magee or one of the hospitals -- and Magee is the leading women's hospital in Pittsburgh -- that we know it is here and serving the women of Pittsburgh to their benefit, I think he is saying he would support it. If we can say that for the record, then I think he could withdraw his amendment, as long as we know it is going through a Pittsburgh hospital. If we can make that part of the authorization.

Also, we might say -- I would like to take it further than what Mr. Wagner said, if they did not handle it right, then next year they wouldn't get allocated. We have plenty of time within the next six months before they get the money, and if it wasn't in place, we can stop it then.

Mr. Darkins:

Mr. Chairman, I just want to call a correction on you and that is, it is not true that we do not support people outside of the City of Pittsburgh. That is not true. I think if Mr. Perry was to pull all the grants and donations, you will well see there are several groups that we have supported in the past four years that are outside of the City of Pittsburgh.

Mr. Cohen:

Reverend, what I said was outside the City of Pittsburgh and outside the State of Pennsylvania. The address for this group on the application that I have in front of me is Post Office Drawer 177, Graham, North Carolina. That is a little

outside.

Mr. Onorato:

Mr. Chairman, I just want to echo Councilman Ferlo and Councilman Wagner's points, because I agree with them 100 percent. I respectfully disagree with your position today and I will not vote for the amendment on the floor. Let me say why.

First of all, I resent that article that was in the paper today and the inferences it makes on this body and what we are doing with this money. There are grants and donations and there are CDBG dollars, which are federal dollars and there are federal regulations. I want to make it clear, especially for the people in my district and the people across the city, for example, under the federal dollars, there are \$23 million that the Mayor allocates and we have to approve. We have \$860,000.00 and some on the Council side that we allocate and have to approve as a body. I don't think there is anything secretive about our process between the CD dollars or the grants and donation dollars. It comes to this floor for discussion several times as was stated by Councilman Wagner, it comes back to the table with invoices and with another authorization next year that has to be approved, the Mayor has to sign it, the Mayor can veto, we can override. There are so many checks and balances with these dollars, it is unbelievable. I am not going to let an article dictate the way I vote or feel.

I have no idea if Michelle's group --

Michelle Madoff:

It is not my group.

Mr. Onorato:

-- the group that you mentioned is good or bad. However, as Councilman Ferlo indicated, there are checks and balances that will work that out before the money is paid. We will see who it serves, what group it is going through in Pittsburgh, is it a city resident, is it worthwhile, and we can re-evaluate in a few months. If it appears Michelle was wrong for some reason, then we can stop it. If she is right, I can vote for it next year.

What gets me, Michelle, and I think we should make this clear, is this Council year after year after year sponsors groups for women, and I want to make that clear, too. We give money to Pittsburgh Action Against Rape, we give money to Women's Center and Shelter and on and on. These are just examples. I know in my district that the Children's Museum has been funded. There are so many good groups that are funded, and it is a shame that these dollars now are tainted because of one article. I want to make that clear, because year after year, so many of our residents are being serviced by these dollars, and

particularly in the lower income neighborhood and less fortunate that get serviced by these dollars. I am not ashamed of it and I am glad that the groups in my district are being funded. I will defend any one of those groups.

I am glad that this body, which took a vote of five members at least to spend \$1.00, it wasn't Dan Onorato walking around, picking groups and handing out money. That is the perception here. It takes five votes of this Council to spend \$1.00, and the Mayor can veto it and it takes six votes. This is not walking around money; Councilman Wagner is absolutely right. This is a public process. We are on TV across the city as I speak, people are hearing every name, there is a list here they can come down and grab and ask what is it about. They can pull out the application, which is public knowledge, plus City Planning has a whole staff to review this over the next few months, and with the federal dollars, HUD reviews it, if HUD finds a violation, they stop the money.

I have no problem with the process. We should move forward and I will live with the checks and balances that are in place as we speak.

Michelle Madoff:

With reference to the friendly amendment by my colleagues, I agree that it should go through a major hospital or through one of the outstanding physicians in the country based here in Pittsburgh. You know, "seed money," quote, is to a new group, not to an existing group; you don't give them seed money. They are a newly formed group because there was such a need for this group to share information so people aren't living secretly in their pain and not knowing that other people have the same problem. Yes, they have a drawer number, that is the name of the street incidentally, the box number. After the article appeared in the New York Times, they received over 4,000 phone calls in the first week. They can't even answer their telephone. They are asking you to write so they can address it by mail.

I repeat: It will probably go through maybe Magee, I hope, because I deal with a physician there who is head of one of the departments, I don't want to mention his name, because that would be unfair until I speak with him. But I shouldn't speak to him, the Vulvar Pain Foundation should talk to him. Indeed, if it isn't done in a manner that is accept to you, Mr. Ricciardi, at that time, or a leading hospital or leading physician, somebody with the correct reputation, or maybe the Medical Society will do it, then you can vote it down at that point. But to vote "No" now is to say, "I don't care about women's issues."

Mr. Ricciardi:

Point of procedure. I have a motion on the floor to

delete. I am not accepting friendly amendments, which means I am calling for the question on my motion.

Mr. Cohen:

We always allowed everybody to have an opportunity to speak. Mr. Ferlo?

Mr. Ferlo:

Just quickly, briefly so the public is clear and the media who seems to be confused on this issue. It doesn't matter what organizations are listed in this budget for funding. The fact of the matter is several months from now the Administration, not even City Council, the Administration must come back to this table for a formal legislation funding this group. At that point, and especially recognizing that we have a councilman elect, Mr. Hertzberg, who will be at this table who I am sure will be opinionated about this issue in terms of the direction of the funds, I can promise the public, and certainly every Council member around this table knows very well that there will be extensive debate. We will ask for a formal copy of the contract. There will be an hour long debate and discussion. I want to clarify that again.

Mr. Wagner:

I know there is a motion on the floor and a second. I am going to make a motion after this motion is completed that the dollars be utilized for city residents, so there is no misunderstanding.

Mr. Ferlo:

Make that for every one of our grants then.

Mr. Wagner:

That's right.

Mr. Cohen:

Take Mr. Ricciardi's motion to delete that item for the Vulvar Pain Foundation. Roll call vote.

Let me make it clear. "Aye" would be to delete it, take it out, and "No" would be to keep it in.

Roll call vote:

Ayes

Mr. Ricciardi
Mr. Cohen

Noes

Mr. Darkins
Mr. Ferlo
Michelle Madoff
Mr. O'Connor
Mr. Onorato
Mr. Smith
Mr. Wagner

Mr. Perry:

Ayes two, noes seven.

Mr. Ricciardi:

Can I have a point of procedure?

Mr. Wagner:

If I may qualify my motion, so there is no misunderstanding on any grants and donations, I simply want to put a motion on the floor for that grant and donation -- if Council wants it to be all, that is fine -- that these dollars are utilized for city residents.

Mr. Smith:

Second.

Mr. Ferlo:

Second for purposes of discussion. Again, I have no problem supporting this amendment. But again, we should not confuse the public, it has always been the case, at least the five years I have been here, for the years Jack Wagner has been here, Michelle Madoff has been here and everybody around this table, I don't know why we have to beat up ourselves on this issue, no organization that this Council has ever funded has ever had a situation where they have not provided services to city residents in neighborhoods throughout the city. So I support the amendment. But again, you know, I will challenge anybody to show us, including the funding of Mon Valley Unemployed Committee, the Jubilee Kitchen, which is technically not in the city, but actually serviced working class people, low income folks from Lincoln Place and that part of the neighborhood close to Homestead. So we are sometimes our own worst enemy in terms of beating up on ourselves. I think we can easily defend all of the organization we have funded; they have always provided services to the city, badly needed services.

Mr. Wagner:

I am making the motion, Mr. Chairman, just for a point of clarity. I know how everyone believes and I know the procedure.

Mr. Cohen:

Motion and second. All those in favor?

Mr. Ricciardi:

Point of procedure. In the past we have had an opportunity to abstain from funding any groups for any reason at all. Would it be appropriate at this time to cast any abstentions?

Mr. Cohen:

It is appropriate during this proceeding. If you don't mind, why don't we go through the last remaining amendments, we have a couple more. Also, they are capital budget amendments, too, so that will include any operating or capital. If people have any boards, whatever, that they want to abstain on the vote, we will do that at the very end.

Michelle Madoff:

Point of order. This just arrived this moment from the Vulvar Foundation, it is subject to anybody reading it (indicating). It tells what they are doing, who their board is, what their fund balance is. It is, as I said, a newly created --

Mr. Cohen:

We have taken a vote on that, Michelle. Other operating budget amendments? Mr. Darkins, I believe you may have an amendment. It is on separate page, Page 1. Should I read it, Reverend Darkins?

Mr. Darkins:

Sure.

Mr. Cohen:

Does everybody have it in front of them? It is Planning, Code Account 1103, Miscellaneous Services, Coalition of Food Pantries For The Hungry, from \$2,000.00 to zero with a net change of \$2,000.00; Code Account 1401 in Public Safety, Miscellaneous Services, Mel Blount Youth Home from \$10,000.00 to \$12,000.00, net change of \$2,000.00; and is that a companion piece, Coalition of Food Pantries For The Hungry, \$10,000.00 to

zero dollars; and East End Concerned Citizens zero to \$10,000.00.

Mr. Darkins:

In regards to the Coalition of Food Pantries, I received several phone calls this morning from members of the board expressing that they did not want the grant money from the City of Pittsburgh because they were embarrassed to see what the news media had done to them. In doing so, that is my reasoning for moving this money to these other organizations. Other than that, it would still be on. It is at the request of the organization that they do not want any moneys from the City of Pittsburgh.

Mr. Wagner:

Second.

Mr. Cohen:

Motion and second. All those in favor?

That completes the operating budget amendments, unless anybody else has amendments.

Mr. O'Connor:

I have one question. How do we -- are we fair to the people in that area by voting "aye"? Are you transferring the money to the people in the area still get a benefit? Because I hate just the news article to hurt people in that neighborhood.

Mr. Darkins:

No, we are going to help an organization, the East End Concerned Citizens, that is Ora Lee Carroll's group, whom she has been to all of you and none of you have conceded to help her. So we are going to move the money in that direction.

Secondly, so it is well understood and so the press can carry the right story, the right story is that the Masloff Administration had taken the grants moneys that would normally go -- and I have been lobbied by many people in regards to it -- the moneys that are going to support and put on more policemen in the City of Pittsburgh, that was the Masloff Administration's thing and I support it, and because I am supporting it, at this junction there is -- everything is wrong with the Greater Faith Tabernacle Church's food bank, and we were in existence before the Greater Pittsburgh Food Bank ever got started. And you can't stop God's work. We are going to go on and it will be anonymous. And they stopped, yes, according to the papers this morning, they stopped in October, but they didn't stop God's work. We still gave a thousand turkeys on Thanksgiving Day and

we will give a thousand turkeys and hams for Christmas. You can't stop us, no way in the world can you stop the Greater Faith Tabernacle Food Bank. Just since I have been here in this building today I had numerous companies, law firms that are asking me, "Where shall I send the check"?

Mr. O'Connor:

On behalf of the people there, I want to thank you for that. I have been to your Church. They will do it whether there is an election or no election, the people there. We will give you our support.

Mr. Darkins:

Remember, the members of my congregation vote, the members that belong to the food bank vote, so that has nothing to do with this item that was on the agenda today's Pittsburgh Post Gazette today.

We may as well bring it out now here at this table, colleagues. It all points to Representative Joe Preston, got to be something here because it is all politics. It goes back to when he tried his best to assassinate the Greater Faith Tabernacle Church with the water bills and the taxes. That was not on the Church, that was on Church property. God love Joe Preston, I hope he makes it to be heaven.

Mr. Cohen:

Thank you, Reverend Darkins. All those in favor?

On the capital budget, please, Mr. Ferlo, you have two other amendments on the capital budget. Could you please motion them and tell us about them?

Mr. Ferlo:

One amendment, Mr. Cohen, I would like to respectfully ask that Council consider, I talked to a number of Council members that were concern about this issue, Mr. Onorato and others, who for a long time have helped to fund this group. This is the Pittsburgh Community Services public safety program. Mr. Wagner in the past has spoken at length about the smoke detector initiative. This is a group that provides -- probably the only group that we fund with Community Development Block Grant dollars that provides a service in every single one of our 90 neighborhoods. It is based on income. So an elderly person or a person with low income is able to get home security advice from a professional out of the Pittsburgh Community Services, Incorporated, be it the security dead bolt lock, the safety program, the life safety program when 911 is called, all the other services that Councilmembers are very aware of. This program goes back as far as when I was the chairman of the board

of Pittsburgh Neighborhood Alliance and even before that. It is a very good program. The Masloff Administration has always been a consistent supporter and, to her credit, has funded this group. Unfortunately, there was proposed a \$51,000.00 reduction. My amendment here is a revenue neutral proposal. It would give \$51,000.00 to continue the last year funding level, so there are not layoffs, so there is not a discontinuance of the home security lock installation smoke detector program in every single neighborhood. Michelle, I need your vote on this; I gave you a vote on vulvar pain. This is \$51,000.00 taking it from the Community Development Block Grant allocation at the Urban Redevelopment Authority in a program that has a significant carry-over balance. I discussed this with some of the staff. So it is reducing a particular line item at URA's CD level for support for housing development and transferring back in to CSI safety program 51,000 to make the program whole.

Mr. Smith:

Second. I think that it is extremely important that we understand that with \$51,000.00, senior citizens based on income have an opportunity to have outside lighting, locks placed. This \$51,000.00 is a do or die situation: Without it, the program dies. Everyone is concerned about safety. Prevention is a major portion. Locks cost money, lights cost money, fire alarms save lives. I just had an 87 year old resident die in Irvis Towers in a fire.

We must be able to provide to the senior citizens of this community all that we can for preventative action that saves lives and protects them.

I am in full support of this. This was an error, as we all got excited during the budget times. It is time for us to correct the error before the budget is passed.

Mr. Cohen:

All those in favor indicate by saying "aye".

Mr. O'Connor, you have an amendment under Engineering and Construction, a new project, a new line item Magee Recreation Center Bocce Court Construction, \$5,000.00 in city bond funds, and a new project, Dike Street Wall Restoration with the bonds funds that are listed below. Is there a motion to approve?

Mr. O'Connor:

Move for approval.

Michelle Madoff:

Second.

Mr. O'Connor:

The Dike Street was in the budget before, they have been looking at it for years. I just wanted to put something in there to make sure the new Administration has time to look at it. It is a major problem, but I think we have to address it.

Michelle Madoff:

I second that, third it. Let's get on with it.

Mr. Cohen:

All those in favor?

The final capital budget amendment is Mr. Onorato's amendment. Mr. Onorato, could you move that amendment, please?

Mr. Onorato:

Move for approval for purposes of discussion.

Michelle Madoff:

Second.

Mr. Onorato:

Thank you, Mr. Chairman. This amendment is only a change in the wording. The Homer and Damas Fire Station in Spring Hill is in the capital budget. I put the wording "To open in 1994." The time for waiting is over. As I stated several times in the past, I am the third Council member that tried to get this open, and we are convinced and determined that this will open in '94. I guarantee it.

Anyone up in Spring Hill listening right now, you can be sure that the second floor of the fire station will be their community center and hopefully their community oriented police officer center, too. The doors will be open in '94.

Mr. Cohen:

Thank you. All those in favor indicate by saying "aye".

Are there any other operating or capital budget amendments? Mr. Ricciardi, your motion would be in order now on the abstention.

Mr. Ricciardi:

Thank you. For the record, I would like to take this opportunity to abstain from funding from two groups; one is the Elder Ado Association, Incorporation, located in the Knoxville area south of the rivers, and the other is the South Side Local

Development Corporation.

Mr. Cohen:

If people need any time to look through the groups for abstentions, please take this time to do that.

I want to abstain from Council Care, the Lupus Foundation, Persad, and Preservation Pittsburgh, please.

Michelle Madoff:

What was that on Persad, I am sorry?

Mr. Cohen:

Those are groups I am abstaining from.

Michelle Madoff:

Because you are on the board?

Mr. Cohen:

I have not been put on the board of Persad, no, but I have been asked to.

Michelle Madoff:

It is a good reason to support it. Have the coverage of your convictions.

Mr. Wagner:

I would like to abstain from three groups; Vietnam Veterans Leadership Program, Catholic Charities, and also Sharing and Caring, Incorporated.

Mr. O'Connor:

I am on the Greenfield board, I abstain from that, and I am on the board at Sudden Infant Death Syndrome, SIDS, which I want to thank the council for supporting that. They are helping families all over the city, especially in low income areas with Sudden Infant Death Syndrome.

Mr. Onorato:

I will abstain on the Children's Museum because I am on the board.

Mr. Smith:

I would like to note my abstention for the Hill CDC, and it is based on the fact that I am a board member.

Mr. Wagner:

Mr. Chairman, I have one final one; Genesis, I would like to abstain from that, also.

(END OF REMARKS.)

(Transcribed by Helen L. Kriebel, Stenotype Reporter)

MUNICIPAL RECORD

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Municipal Record

ONE HUNDRED TWENTY-SEVENTH COUNCIL

JACK WAGNER

President

MICHAEL PERRY **City Clerk**

LINDA M. JOHNSON-WASLER **Asst. City Clerk**

Pittsburgh, PA
Friday, December 31, 1993

PRESENT:

Mr. Cohen
Mr. Darkins
Mr. Ferlo
Mr. O'Connor
Mr. Onorato
Mr. Ricciardi
Mr. Smith
Mr. Wagner, President

ABSENT:

Michelle Madoff

The meeting was opened by the recitation of the pledge of allegiance to the Flag of the United States of America, and a moment of silent prayer for peace throughout the world.

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

PRESENTATIONS

The Chair:

I'd like to thank Mike and Linda for the beautiful plants for the final meeting. I appreciate that very much.

The purpose of this meeting is to deal with Mayoral Vetoes in the 1994 Budget. Therefore, we move directly to unfinished business.

The Chair Presents:

No. 3587 - Communication from Sophie Masloff, Mayor, returning with her line item veto, Bill No. 3488, Resolution entitled, "Making appropriations to pay the expenses of conducting the public business of the City and for meeting the debt charges thereof for the year beginning January 1, 1994, item Vulvar Pain Foundation in the amount of \$10,000."

Which was read, received and filed.

The Chair:

You have heard the reading and title of the Bill and the veto. Is there any discussion?

Mr. Darkins:

When Michelle Madoff had presented this to us, it had come to our attention before Council

after observing and taking observation and realizing this particular organization, that their national headquarters was in North Carolina, and in order for the residents and taxpayers of the City of Pittsburgh to be able to have this opportunity, I understood, and her purpose for doing what she had done in sending the money to the national headquarters was so that the national could come to Pittsburgh sometime maybe late February or March and that they would conduct a seminar and it would serve people throughout the City of Pittsburgh. I really think what has happened here, and it's a shame that it has happened because I'm not opposed to sending this \$10,000 to the national in North Carolina. I think the media, the people, have just blown this thing way out of proportion. I think this is a very good organization and I think that it has something to offer us within the City of Pittsburgh. I have not seen Mercy Hospital; I have not seen Magee Hospital; I have not seen the University of Pittsburgh themselves taking the time out to do this research that is much needed here in our City. This disease itself is one that affects the female agenda and I think that to be updated on the research that will be done from the national in Pittsburgh at Magee Hospital, a seminar, is good. Doctors that are not versed to it because believe me, I don't care how many M.D.'s you have, there comes a time when all of them need to go back and do some research. This is the disease that I think could be nipped in the butt from this conference right here in the City of Pittsburgh, so I'm not opposed to sending the \$10,000 to North Carolina. It has to be well understood and my colleagues should see it this way. Because of those that have personal

things that's beyond government, I just can't see myself getting involved in such personal things. Its been an ongoing thing between Michelle Madoff and Mayor Masloff and I'm sorry about that. I'm sorry that they have not been able to, as a Council Person and a Mayor, work together. I don't know what happened during the tenure that Mayor Masloff sat on Council with Michelle. I don't know. That's none of my business. But what I am concerned about is the affects that this organization can have on residents in Allegheny County and the City of Pittsburgh.

The Chair:

Is there a motion to override the veto?

Mr. Darkins:

Move to override the veto.

Mr. Ferlo:

Second, for purposes of discussion.

Mr. Ferlo:

Mr. President, I think, unfortunately, this one organization out of the several hundred organizations that received funding under the grants and donations category, a very small percentage - some \$225,000 of an overall \$345 million dollar plus operating budget - I think unfortunately this one organization cast undue shadow and aspersions on Council's process, as well as Council's contribution to some very important neighborhood-based organizations throughout this City.

If you look at the complete list of the groups funded, I think the means test that this Council

has used this year as well as in the past has been "what are the important organizations providing very critical services to residents here in the City of Pittsburgh". If you look through that list, overwhelmingly, City government gets a tremendous value from a small grant that is made. As an example, when City government helps provide a small grant for a little league organization to build a concession stand and thereby enables that organization and those volunteer parents to raise money into the future, we in City government cannot put a dollar value on our budget or the amount of goods and services and activities that go on by these service organizations, be they neighborhood based groups, be they advocacy groups in this City, be they public interest groups of one sort or another. City government gets a tremendous value out of a small grants and donations process that's been under way locally. I think the means test issue is important.

It's not clear at this time whether or not the so called Vulvar Pain Foundation meets the means test that we have traditionally used. That means test being organizations that are parochial to this City and have an ability to deliver some targeted services. I think there's enough ambiguity on that issue to warrant sustaining the Mayor's veto, and not overriding the veto on this one issue.

Mr. Cohen:

Thank you Mr. President. I agree with that. I think there's been a great deal of misunderstanding about this entire process, and this process really is a long one which involves ten

different steps, of which City Council's participation in the initial authorization of it really is only the first step. And, of course, it has to go through the planning department, the signature by the Mayor, and then we also have to have new legislation for a contract, and even once the contract is executed, no organization can get their money unless they satisfy requirements like having insurance under the CDBG Grants, being able to make sure that they help low income, elderly and handicapped people, etc., and even then they can't get their money unless they submit invoices. I think that aspect of this entire process was lost in the last few weeks.

That, having been said, I voted against this particular grant the first time and I intend to vote against it this time because it is not only outside the City of Pittsburgh but also outside the State of Pennsylvania, and I do think that we have terrific medical care right here in the City of Pittsburgh that we ought to be supporting. Through this process, we support terrific groups that are here in the City including groups like the Pittsburgh Action Against Rape or the Center for Victims of Violent Crime. There are enough groups here in the City that we can support and I do not think that we should be sending money outside the State of Pennsylvania.

Mr. Ricciardi:

Thank you, Mr. Wagner. I believe Michelle Madoff's intentions are well placed; however, I feel as though funding a group from North Carolina from tax dollars from the City of Pittsburgh would not be well placed.

As I stated in my initial opposition to funding a \$10,000

Vulvar Pain Foundation in North Carolina. I just could not believe Michelle's argument, that they were on the cutting edge of this type of medical research, especially in light of our medical community, our medical facilities and our medical doctors in this City. I think Ken Rice of WTAE Television did an excellent report when he was reporting this story. He made a visit to Magee Hospital and spoke to an M.D. there. As a matter of fact, it was a lengthy discussion and she stated that this group was not on the cutting edge. As a matter of fact she stated that research at Magee Women's Hospital, that they were at the forefront of this issue, that they have been studying this type of medical research, Vulvar Pain, for several years, and that they were in need of funding. I repeat, she stated that they were in need of funding, that they were at the forefront, and that this group from North Carolina was not on the cutting edge. So I remain opposed to this legislation and again, Michelle Madoff has done wonderful work here in the City of Pittsburgh, but I think she's off base in directing \$10,000 of hard-earned taxpayers money and putting it on to a fast track to North Carolina. Thank you.

Mr. Onorato:

Mr. President, thank you. Regardless of what anyone thinks of this particular institution, I don't think that's the issue anymore. The issue and the characterization of the process that has taken place is unfair and unjust. I still think the process works and has value and the reason I say that is that there's been a lot of articles, a lot of news coverage. There's been a lot that hasn't been said either. What

hasn't been said is that the break down of this money and the checks and balances that are in place, you hear \$1.1 million of walking around money, which is the way it's characterized, but part of that \$1.1 million as I stressed before, the \$863,000 which is the vast majority of that money, are federal dollars that have to meet federal requirements before one penny is spent. Even if we approve a group, if they don't qualify under the HUD requirements, they don't get the money. There's layers and layers of bureaucracy before any pennies are put out to any group. That leaves \$225,000 that is in question. \$225,000 are City tax dollars that the residents of this City have paid and we, as a body, allocate every dollar in this City, addressing this \$225,000.

The question has come up; is this money well spent? I find it interesting that when Councilman O'Connor had a great idea in Gladstone, this body discussed it and we allocated approximately \$40,000 for a great program, an afterschool program five days a week that might last four or five months, for \$40,000. Well if you would divide that by nine, which is what everybody seems to be saying, \$25,000 per Council District, if you look at my district there's at least ten groups that received money from \$25,000. Now remember, this was \$40,000 for one school for six months. This is \$25,000 going to ten groups for an entire year, addressing probably ten times as many youth as this program. And this program should be in place if we're going to expand it. But I think we really have to look at the picture. What we do there is we might have removed some of the bureaucratic procedure of voting

for each individual group, but at the same time we got this money out to as many groups as possible. Now with checks and balance, fine, we have one group right now that's in question.

How come no one here is asking, why was only one group vetoed? We have a check and process system here. The Mayor sends over a budget with \$23 million dollars of the same \$863,000 pot that we're dealing with. She directs \$23 million dollars to groups that we can either approve, or say no to, or redirect. I haven't heard that mentioned once, anywhere. What about her \$23 million dollars to groups that she thinks are good to fund? Because we looked at them and reviewed them and we agreed. We look at our \$863,000 federal dollars and we have to apply them to CD neighborhoods, groups that are eligible, and we put them to groups that we know. I know that I know my district better than the Mayor does, and there are certain areas that my colleagues represent, which they know better. And we bring them to the table, we look at it, we discuss it, and we vote it up or down. If something gets voted up then later on we find out that maybe it's the wrong group to give money to, we have to approve the money again next year before it's spent, plus the Mayor, at this time in the Budget, has the option to veto, which she did on this particular group. So the process is working. She's vetoing this group. Now we are going to decide: should we override the veto or sustain the veto? I don't think there's anything wrong with the process. I will stand by every group that I funded and if any of my groups were being vetoed today, I would

probably fight it. However, with this particular group, there have been a lot of concerns raised that this could possibly be done in the City, with the City hospitals, and that's fine. That discussion is healthy and we have it here. But to say that we have \$1.1 million dollars in walking around money, that's just not true. It's not true. It's \$25,000 that we have some discretion to give to youth programs, and all of mine went to youth programs, be it educational or athletic. But at least we are addressing the youth problem.

Every day on the news I hear, what's Council doing about the youth, what are we doing about providing opportunities. You can't have it both ways. We are either going to provide opportunities and spend \$25,000 in our districts, or we're not going to do it, and that's what is frustrating about this process. I am not ashamed about spending \$25,000 in my district. I wish I had another \$75,000 to give, or \$100,000 to give, because we need to open up these schools, and we are doing that. This is what the media seems to want, but they don't like the way we pay for it. But, like I said, you can't have it both ways. I'm ready to pay for it. This particular one, if there's a problem with it, fine. The procedure worked. The Mayor says veto it. We are discussing it now. But remember, it's \$10,000 out of \$225,000, and it's \$10,000 out of this \$1.1 million, that the Mayor vetoed. She did not veto another penny. So that's telling me that 95% of the money that we decided to allocate, the Mayor agrees that it's going to the proper place, or she would have vetoed all of it. To me, the process works and I think we should move forward from here.

The Chair:

The public overwhelmingly does not want these dollars approved to North Carolina. That's obvious. Since the controversy developed, our colleague has had ample time to redirect the dollars to a local medical institution or medical society. That has not been done. Therefore, from my perspective, I am not voting to override the veto.

Councilman Darkins:

There's just certain things that I think should be brought to your attention and to the colleagues here in Council. I heard my good friend, Councilman Ricciardi, speak about the gentleman that interviewed the Doctor at Magee Hospital and Gene Ricciardi has been on Council as long as I've been on Council, and lets go back and talk about St. Margaret's Hospital when they didn't want the heliport pad, and we pushed that through. Lets talk about how the University of Pittsburgh's doctors talked about St. Margaret's. Lets go back to Shadyside Hospital wherein the University of Pittsburgh's doctors, when they were interviewed, said that you didn't need a helicopter pad there in Shadyside. But we voted for that and there's one there at Shadyside. My point that is being taken in the medical field, there's a lot of diversity there in regards to programs or anything, regardless of whether they say they have the funding or not. Last and final thing, and I listened to Councilman Onorato, when we talk about the tax dollars, its \$10,000. We are talking tax dollars. Mike and Linda can pull up the records. Lets talk about how a University,

Sickle Cell Research Center, when I had those people in here and we honored them, I personally honored them, where we sent money to Howard University in Washington, D.C. for sickle cell, their research center, because they could help sickle cell right here in the City of Pittsburgh. So my point is that this is not a thing that is not going to be helpful to the City of Pittsburgh. It is helpful to the City of Pittsburgh and therefore I suggest that we override this veto.

The Chair:

Let's try and summarize everyone.

Mr. Ferlo:

Point of clarification. My motion is to not override the Mayor's veto. Initially I supported this because the issue that was being debated at the time was not necessarily whether or not this was a legitimate group. The issue in the initial debate and vote actually centered around the principles that Mr. Onorato talked about in terms of the process of this Council reviewing and making allocations to some important organizations. In fact, at the time of that discussion, we had suggested to our colleague Michelle Madoff that if the objective was to have these services performed, that there were many health care organizations locally that could be involved in this process. She did not want to participate and cooperate in that.

I'm not voting to override the Mayor's veto today for three reasons. First of all, in the subsequent information that has come out since the initial vote in

the last few weeks, I definitely feel that there is at least the appearance of impropriety on the part of my colleague in relation to the method by which an allocation was proposed for this group, and I'm not going to participate in that. Secondly, I think it is sufficiently ambiguous, in other words, with the group being out of this City, it is somewhat ambiguous very clearly as to whether or not this group is going to meet the means test that we talked about in terms of providing local services. I think that is sufficiently ambiguous. That doesn't mean, as Mr. Darkins talked about, that you could conceivably have a national organization. For instance, if we initiated money on lead-based paint prevention or playground safety, I could see conceivably where you may have a national advocacy group or some group that is providing a clear service but the conduit happens to be out of town. So, I don't think we should be fixed in this position. I think it is peculiar to this one particular group. It has not met the means test. And thirdly, I think unfortunately because of this one group, the media and all the political pundits locally as well as the politics of this, and lets be clear that the Mayor politically has an agenda here to embarrass one of our colleagues, Michelle Madoff. And lets not fool anybody, there is politics in this whole issue and I think unfortunately we should not allow the distraction of the debate on this one particular organization to cast aspersion on the whole process and the many worthwhile organizations.

I resent, especially Ann Devlin's comments and her radio

talk show from a few weeks ago. I mean she pretty much condemned hundreds of hard working people in this City who volunteer and spend a heck of a lot of time keeping together neighborhood-based organizations, little league groups and things of this sort, and I resented her comments and I think she owes an apology to a lot of people. But the fact of the matter is, this diversionary debate has cast an undue shadow on a lot of worthwhile organizations.

The Chair:

An aye vote will reflect overriding the veto and a no vote would reflect not overriding the veto. Six votes are necessary to override the veto.

Is there any further discussion on the motion? And on the question, "Shall the motion pass finally?" The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Darkins

NOES:

Mr. Cohen

Mr. Ferlo

Mr. O'Connor

Mr. Onorato

Mr. Ricciardi

Mr. Smith

Mr. Wagner, President

AYES: 1

NOES: 7

There is not a two-thirds majority of the vote of Council in the affirmative; therefore, the veto is not overridden.

The Chair Presents:

No. 3588 - Communication from Mayor Masloff returning with her

veto Bill No. 3473 entitled, "An Ordinance repealing Chapter 184 of the Pittsburgh Code under Title One - Administrative, Article XI, Personnel. Sections 184.01 Authorization to Fill Without Competition; 184.02 Qualifications; 184.03 Recruitment; 184.04 Selection; and 184.05 Probation, relative to authorization for employment in the Bureau of Police."

Which was read, received and filed.

The Chair:

You have heard the reading and title of the Bill and the veto. Is there any discussion?

Mr. Ferlo:

Motion to override the veto.

Mr. Smith:

Second.

Mr. Ferlo:

I'd like my comments brought forward from the Committee Session, but very clearly I hope that this Council is unanimous, or at least nearly unanimous, in voting to override the Mayor's veto. The fact of the matter is, over the next year and a half to two years, we will need to add a number of police officers to our work force as a result of the early retirement, three quarter and out pay, that has been offered. A lot of officers currently on the payroll will want to leave the City payroll given the nature of that offer.

The fact of the matter is that the so-called veteran police

hiring process to me has not been a fair process. It has created a super seniority and priority status to individuals, primarily white males, many of whom don't even live in Southwestern PA or even in the State of PA, and they jumped over blacks and whites and males and females, many of whom happen to be City residents, in this process to hire police officers. I think that what we need to do is challenge the Murphy Administration this year, and the reconfiguration of the Personnel and Civil Service Commission Recruitment and Training is to re-target our efforts locally at local residents who want to become police officers. We had, in fact there were individuals that I felt were very qualified from my Council District, black and white, male and female, who are on the existing Civil Service Commission list, who were overlooked because of the hiring process of these so called veteran police officers.

I would hope that we would override this veto. One of the mandates in the Home Rule Charter is for this Council to be concerned about providing a quality work force and employment opportunities for City residents. I think we should renew that commitment and beef up the number of recruitment classes - instead of having 40 in the next class we should try to have 120. Let's hire within the local community. There are many qualified people that are anxious for an opportunity to serve in the police bureau and I think we need to reform and modify the process.

Councilman Onorato:

Thank you, Mr. President. I know your position on this, Mr.

President, and you make a lot of good points. The only reason I don't support the veto and that I think that we should remove this option from the Mayor's Office is twofold.

I just want to clarify something because there seems to be mis-communication again and I noticed in an editorial about this particular legislation that we were criticized for taking away a valuable option to the Mayor. But once again, the editorial did not explain exactly what the realities are of this piece of legislation. First of all, we are not taking away the option of any Mayor to hire any veteran officer that lives outside the City. Let me say that again for anyone here listening. A veteran officer that lives outside the City can still be hired under the old system. That was never made clear in the editorial and once again it scared everyone to make it sound like if you are a veteran and you don't live in the City, you can't qualify. The old system, the system that the majority of this body is supporting, is to give a test that both residents of the City of Pittsburgh and individuals outside the City of Pittsburgh could take and qualify and compete for positions. Under the veteran officer hiring, what you do is you exclude any City resident that is not a police officer. To me, what we did was set up a system that would prohibit any City resident by having that option, and yet they are paying the taxes there.

We passed this on a temporary basis because of an emergency need, and I will be the first to admit that there are a lot of quality officers that came out of that veteran officer hiring. I know several in my district and

I'm glad they're there. However, I also know that there are a lot of individuals that were shut out of the system. They're not a veteran officer, they didn't take the test in February because they were on an old test, the old test expired, now technically they are shut out. They are not on any list and they can't even apply or become a police officer unless we force the City to give additional tests. So please, if the media is going to report this, don't say that we can't hire veteran officer, because we can. They are allowed to take a test, and anyone is allowed to take a test, no matter where you live. The only requirement is upon the date of hire that you live in the City of Pittsburgh. The old system allowed anyone to take that test. That test is not just for City residents, and that point should be made clear and this way it equalizes the opportunity for everyone to apply and this Mayor, future Mayor and Mayors beyond, will have the opportunity to go out in any state, any city, any part of this state, and have people take this test, so we are not closing the door on anyone. I just wanted to make that clear.

Mr. Ricciardi:

Thank you, Mr. Wagner. The issue of hiring certified police officers has much history to it, dating back to May of 1992 when the Administration, through Director DiNardo, came to the table asking us to give them the ability to hire certified police officer, for one reason and one reason only, and that was that they stated that there was emergency in the City of Pittsburgh. There was an urgency to put police officers on the streets as soon as possible, and

that certified police officers did not need the total training that other recruits would need. At that time I believed that the numbers that were given to us, we had a force of 1,115 and we budgeted 1175 police officers. Director DiNardo stated that we had 60 vacancies and we had up to 447 police officers that would be retiring. He then stated that this was a temporary need to get police officers on the street as soon as possible. I think we accomplished that. We went out, we brought in certified police officers, they got onto the street as soon as possible, and now we're up to the budgeted amount. As a matter of fact, we're over 1175, we're in the 1200's now. Now we should go back to the civil service process, the laws and regulations that govern that, and that is the entire examination period and the recruiting period, the oral exam, the physical exam, and the like in getting our own recruits certified under Act 120 of the State of PA.

I just find it very difficult that we would continue going throughout this nation recruiting people for jobs for police officer positions. We're advertising in non-local PA papers such as the Allentown, Easton Express, Erie, Harrisburg, Philadelphia, Redding, Scranton, Williamsport, and York. We're advertising in out of state newspapers such as Baltimore, Washington, Atlanta, Cincinnati, Cleveland, Columbus, Buffalo, Detroit, Michigan, New York and the Washington Post. I'd like to start advertising our local newspapers in the South Side, North Side and the East End. We've accomplished our goal. We got police officers on the street as soon as possible. Now, as Councilman Ferlo is referring to,

under the Murphy Administration, hopefully good planning under that Administration, will be able to allow us to certify our own city residents and non-city residents that are able to go through the system, certify them under Act 120 of PA, and get them on the street. Proper planning will discount the need to advertise in non-out of state city papers and get people on the street as fast as possible. Thank you.

The Chair:

Any other comments?

I'd like my comments brought forward for the record also.

Mr. Darkins:

Councilman Ricciardi said something and it just struck a note with me and I have to reply to that. How are you going to do any planning with the new Administration and there's not going to be a Public Safety Department?

The Chair:

Let me just add a brief comment, and it will be brief Councilman Smith, because I know you have a pressing commitment.

The Chair:

I just think its very important to give this Administration, the next Administration, or any Administration, every single option possible to hire competent police officers, and for some reason the issue of competency always gets lost in terms of hiring police officers. And

that's really what this hiring option was and is and can be, and its very important to give that Mayor, that Police Chief, or whomever, that option. It's critical, I think, to have a professional police bureau and in my ten years in government, and its almost ten years next week, I have never seen a good, competent hiring process in police hiring. I think the failure has been, to a great degree, in Personnel recruitment and in getting enough people of all races and gender, qualified, but its still very important that we, for the sake of the safety of the people of this City, have competent police officers on the street. And if we can hire someone from the Port Authority security system or the Housing Authority or Bethel Park police, or Cincinnati police, that is a competent police officer, I think we should have the option to do that. We do it here in this City for management people all the time and we do it for other jobs all the time, but for some reason no one seems to want to do it for police officers...

Mr. Cohen:

Mr. President, I'd like my comments brought forward.

The Chair:

An aye vote will reflect overriding the veto and a no vote would reflect not overriding the veto. Six votes are necessary to override the veto.

Is there any further discussion on the motion?

And on the question, "Shall the motion pass finally?"

The ayes and noes were taken agreeably to law, and were:

AYES:

Mr. Cohen
Mr. Darkins
Mr. Ferlo
Mr. O'Connor
Mr. Onorato
Mr. Ricciardi
Mr. Smith

NOES:

Mr. Wagner, President

AYES: 7

NOES 1

The Chair:

And there being two-thirds of the votes of Council in the affirmative, the veto is overridden.

Any other issues to be brought before Council?

Mr. Ferlo:

Very quickly, because I know Councilman Smith has an engagement. I had sent a letter, Mr. Wagner, you had raised an issue about a week ago in relation to the City's employee pension board, I think all of us are upset about that. I sent the letter to the Solicitor that same day and unfortunately have not gotten a response. My request was whether or not this Council had any legislative or legal prerogatives to stall, delay, change, reverse, whatever, what I thought was a terrible situation. We haven't gotten a response, I don't know if Mr. Perry got anything, but I would hope that whoever is cutting these checks would not cut these checks and allow a new board that would convene and hopefully very shortly and if need be, and I know

you have a meeting today and I hope you are successful, but I would hope that Mr. Flaherty would show up at the meeting shortly and do the right thing, and the right thing is not to protect or endorse two employees who have acted in error.

The Chair:

I agree and a legal opinion from the Solicitor of the Municipal Pension Board will be released at the meeting to the public and that legal opinion states that we are not permitted to retroactively pay anyone, and there is law to back that.

Mr. Cohen:

I just want to say that I support Mr. Ferlo and yourself on that position on the Pension Board. That is not why I raised my hand though.

I do want to wish everybody here a very happy and healthy New Year. I can't recall, at least in the four years that I have actually been meeting on the day of New Year's Eve, I know that has happened before but it hasn't happened in my tenure here if I recall, and I won't keep us here any longer because I know Mr. Smith has to leave, and all of us do, but I do want to wish everybody a happy and healthy New Year.

The Chair:

Happy 50th Birthday to Mr. and Mrs. Smith and a happy, healthy New Year to everyone.

Mr. Darkins:

Motion to excuse the absent member.

Mr. Smith:

Motion to adjourn.

Mr. Ferlo seconded the motion.

And on the motion of Councilman Smith

Council adjourned.

(BEGINNING - COUNCIL'S COMMENTS ON LINE ITEM (VULVAR PAIN FOUNDATION) OF 1994 BUDGET, FRIDAY, DECEMBER 17, 1993)

Michelle Madoff:

I'd like to thank Mr. Ferlo and Mr. Wagner for doing that. I have been a little preoccupied with a number of issues and I can't thank you enough on behalf of all women for caring about women and women's issues. I think you're absolutely right. I have been trying and I've been with you for a number of years when Ben Woods tried to do something really meaningful to set aside some money and it just didn't work out but it was well-intentioned. We have really not rewarded the people who have given their lives to this city and those widows are living on dog food and they have to choose between heating and eating. They have problems every year when their Medicaid costs and Medicare costs go up, their GAP insurance and they barely exist and I would like to end on one note. This is my last day here and I would like everybody to remember the new colleagues. If you start going to negotiated bonds you are going to have enough money to give them \$1,000.00 next year.

The Chair:

There is a companion here and I think that's what Mr. Wagner was just going to say. There's a companion item here and that's at the bottom of Page 6. It adds the following: "Council hereby authorizes that each widow currently receiving the \$150.00 per month payment from Code Account 58.5 will effective January 1, 1994, receive \$200.00 per month from Code Account from 58.5. Procedures for payment of this amount will remain the same". If we could have a motion and a second on that and let's vote on them together.

Michelle Madoff:

So move.

Mr. Ricciardi:

Second.

Which motion prevailed.

Mr. Onorato:

I want to point out that I know myself and a lot of my colleagues have consistently shown their support for the retirees and the widows with their vote and I will be more than happy to join them in authorizing this. I supported the retirees and I'm definitely going to support the widows. If there's one group in the city that has been under funded it's

these two groups, so I support this particular amendment or both of these amendments enthusiastically today.

The Chair:

All those in favor? Opposed? The ayes have it. Are there any other operating budget amendments?

Mr. Ricciardi:

Mr. Cohen, at this time I'd like to make a motion to delete a grant that we have allocated several days, the Vulvar Pain Foundation application we received from North Carolina.

The Chair:

Second.

Michelle Madoff:

You're seconding it for discussion or seconding it to support it?

The Chair:

Second, I will support it but discussion.

Michelle Madoff:

Support the removal or support leaving it in?

Mr. Ricciardi:

Motion to delete.

Michelle Madoff:

Are you seconding the motion to delete?

The Chair:

Yes, I am.

Michelle Madoff:

Again, I wrote this out because I want to try to be brief as possible.

My issue of supporting the Vulvar Pain Foundation, again this was reported full page in the New York Times a month ago. The fact that the group is out of North Carolina is of little importance. The seminars for physicians and patients will be conducted here in Pittsburgh in the Spring of 1994 and probably

under the auspices of one of the major hospitals and that hasn't been worked out yet.

The \$10,000.00 allocation is seed money to help the group based coast-to-coast, Denver, California, North Carolina and elsewhere -- actually they are not based, the people involved are all over the country -- bring much needed information on this terrible affliction which affects thousands of men and women and is desperately needed for research, development and public education. Interesting while it affects mostly women, it does affect men as well. Basically it appears for the most part to be an allergic reaction to foods which produces calcium oxide which in turn forms crystals and painfully attack the various organs of the body most frequently the vulva. It can also create irritable bowel attacking the stomach and various other organs of the body.

Once again, women's issues aren't important enough to warrant financial support to help solve a serious medical problem.

I know that when amyloidosis came to the forefront it was relatively new and this is relatively new. And we know that sufficient research dollars have never been allocated to the study of breast cancer in women and it's one out of four can get breast cancer. Anyone who objects to this grant basically feels women are second-class citizens. It doesn't matter what you say it's what you do. If you vote against this bill because the program is going to be right here in Pittsburgh you're saying women are not important. And what else would I expect from old Sophie who is expected to veto the allocation and women remember this outrage.

Let me tell you that if this bill goes down and if it is removed and it doesn't pass, you will be doing the greatest service to the women's movement because women will rally around these issues and believe me they will know which members of this Council do not support important women's issues.

The articles that I have distributed to my colleagues in detail the one in the New York Times, the one that appeared in Ladies Home Journal December issue really detail this horrendous problem and for any man to take the position that we are not going to support seed money because the home office is based in North Carolina -- The major research for cancer is in done in Washington, D.C. and the program will be done with doctors here in Pittsburgh and it will be done with patients here and people who are suffering from this affliction. Vote as you wish but everybody is watching, particularly women.

Mr. Ricciardi:

Michelle, I had an opportunity to speak to you privately and now I'd like to say this publicly. I would like you to redirect the dollars to Magee Women's Hospital here in the City of Pittsburgh and I'm sure they can follow up on some of your fine suggestions in work in this field. Would you be willing to make that change?

Michelle Madoff:

You weren't listening. I already said that the details of how the program would be worked out would probably be through one of the women's major medical hospitals.

Mr. Ricciardi:

Would you be willing to change the application?

Michelle Madoff:

I can't do that without talking to them. I can't say to the hospital that they will do that. I'm saying the Vulvar Foundation has talked to a number of physicians, leading physicians in the country and in the world who have not identified this problem. It is a new problem, it has only come to the forefront in the last ten years and basically in the last six years. Nobody is going to give money. The next Council is not going to give money to a program they feel is not being adequately addressed, the proper people running the program, so that you're not in danger of giving money to something that is inappropriate. It would be relatively simple between now and the time that the program will be conducted in the fall for the group to come to Council and tell you what physicians which hospital will be leading this research project, who will be doing the educating of the public, who will be educating the doctors, who will be helping the research program which is going on along nationally bringing the women with the affliction who are hiding their problem to the forefront and trying to solve the problem and I think to say that I'm going to vote against it because we don't know who's going to conduct it is an invalid vote because I can say Mr. Ferlo or Mr. Ricciardi, I don't know who is going to run some of your programs therefore I don't want to vote for them because we don't know exactly who's going to do it. I believe that no city is going to allocate the money unless it's done appropriately and at that point if it isn't done then the monies would not be available.

Mr. Ricciardi:

I find it very difficult to believe that a group from North Carolina is on the cutting edge of this type of medical research when here in the City of Pittsburgh we have the finest medical

facilities and the finest doctors and the finest medical community right here in our backyard. I just can't believe that North Carolina is on the cutting edge.

Michelle Madoff:

The research is done in Denver, it is not done in North Carolina. The research is done in California, that's where the research is being done and they are on the cutting edge. The group that was formed to inform people and bring people together and let them know they're not alone that they're other people around the world who have this problem is based in North Carolina. They are the conduit to bring the program and the doctors from Denver and from California and from other places to Pittsburgh. Again, if the program is not appropriate the money of course would not be appropriated and the program will stand on its merit. And for any person to hide behind the issue, we're a center for transplants and other cities are not. Different cities have different strengths in the medical field and I urge you not to let the women down and to vote for this on the basis that if it is inappropriate when the time comes and the program doesn't meet the standards of what you think is appropriate Mr. Ricciardi at that point you can vote against the money.

Mr. Wagner:

Michelle, can it be validated that these dollars would be used for city residents?

Michelle Madoff:

Absolutely. As a matter of fact, Mr. Bulls who is full of it spoke to the head of the foundation and was told that the program -- he knew before I did -- that the program would be in the spring of 1994 to educate the doctors and bring people who are suffering from this syndrome together because I can tell you that I know women who have gone to dozens and dozens of doctors and the doctors have not been able to identify it and they don't know what to do about it and I repeat. If the program as it is outlined does not meet with the critique of the next Council, don't appropriate the money.

Mr. Wagner:

If I can ask a budgetary question. Does these dollars come out of block grant money?

The Chair:

No, they come out of grants and donations.

Mr. Wagner:

As long as -- I'm comfortable with it as long as it's validated that it services the city residents.

Michelle Madoff:

I agree with you. I wouldn't do it any other way. I wouldn't sponsor a program for North Carolina -- I'm going to be in South Carolina, not in North Carolina, it's quite a distance. The research is in Denver.

Mr. Ferlo:

Mr. Chairman, on the actual amendment which is before us which is to delete I'm going to abstain and I'm going to explain very briefly why --

Michelle Madoff:

-- if you abstain I'm going to abstain on you.

Mr. Ferlo:

I think it's very unfair to present the amendment this way and we're unfortunately not going to discuss the real merits of the issue and I'm abstaining on Mr. Ricciardi's amendment to delete.

The fact of the matter is we're creating much ado about nothing here. The fact of the matter is all of these grants including all of the organizations and community groups that I've funded that happen to be in my Council district including some that provide services on a city wide basis and not parochial just in Council District No. 7, all of those organizations are funded through the will of Council. In approving all of these grants, whether it be the grants and donations process or the community development block grant, we are expressing the legislative intent of this Council to provide funding for organizations. We should not fool anybody and clarify the process. Following the listing of these organizations which at this point is nothing more than saying what the intent of Council is, there is a several month extensive contractual review process by the executive branch of government involving the Department of the Solicitor's Office, ultimately the Mayor and in fact the future mayor will

ultimately forward back to this Council a resolution in the execution of the contract.

(AT THIS POINT, MS. KRIEBEL RESUMES STENOTYPING THE MEETING)

(CONTINUED ON NEXT PAGE WITH NO LOSS OF CONTEXT)

MARY ANNE HRUSKA
STENOTYPE REPORTER

Mr. Ferlo:

None of that can happen without a bona fide organization that has an extensive review process in terms of formulating the contract. It has been clear by every organization we funded, and Mr. Wagner said it best: If organizations do not provide services to city residents, they cannot be considered for funding by this Council.

Accordingly, I will abstain on Mr. Ricciardi's amendment to delete. I think it is premature. I think we should stick to our process, which I think is a good, bona fide process.

Mr. Wagner:

Mr. Chairman, if I may, I just want to echo some additional thoughts, that each and every one of us have made recommendations for various groups, of which there are a couple hundred under CDBG moneys and grants and donations. Every member of Council knows that each and every one of these groups must come back with a separate piece of legislation next year when the moneys are available for allocation. Scrutiny is provided not just initially, but more thoroughly at a later period of time. If this group does not provide its sufficient data to prove that this service is for city residents, those dollars will not be allocated. It is as simple as that.

I further want to state the media tries to make an embarrassment out of the grants and donations in this morning's paper of over \$1.1 million. Unfortunately, the public thinks that this is the same as the WAM moneys, the walking around moneys, at state level that have no legislation associated with the allocation of the moneys. Each and every allocation of dollars from city government must be publicly advertised, must be voted on in Council at least twice, must receive five votes, news receive the signature of the Mayor, must have the approval of the City Controller, and we can go on and on and on. I have just for the sake of public information, designated several groups, of which some people may mention also; Mom's House, the Vietnam Veterans, and I can go on and on, groups that I will stand behind and stand up for because of the service they provide to this community. Unfortunately, there is a tremendous misunderstanding that the media is trying to present that these dollars are similar to the way WAM dollars are allocated at the state level. It is absolutely not true.

The Chair:

Let me say a few words, then Mr. O'Connor, then we will vote.

I agree with what Mr. Ferlo and Mr. Wagner both said about there being a process, and there is a process, and that is

particularly the case with Community Development Block Grant money. Aside from what Mr. Ferlo said, beyond that even, the groups have to submit invoices, they can't get paid until they submit invoices.

The reason I am voting for Mr. Ricciardi's amendment is I think this group -- it has come to light that it is a very different in kind than any of the other groups. I have never seen a group that we have funded that is outside the City of Pittsburgh and outside the State of Pennsylvania. I trust what Michelle says about it being a good group, but we are elected by the people of the City of Pittsburgh and we can't be in a position of funding groups outside the city and outside the state of Pennsylvania. So that is why I am supporting this.

Mr. O'Connor:

I think Mr. Ricciardi brings up a good issue. I would certainly like to support Michelle's initiative here. To give you an example, I know my wife over 15 years ago had TMJ problems, we had to go to Washington, D.C.; no one in Pittsburgh ever heard of it. Now almost every hospital has a clinic. But I would strongly ask Mr. Ricciardi or Michelle, if we could put in the legislation that if we are guaranteed it goes through and we use Magee Women's Hospital or one of Pittsburgh's hospitals, I think he is absolutely right. If it comes through Magee or one of the hospitals -- and Magee is the leading women's hospital in Pittsburgh -- that we know it is here and serving the women of Pittsburgh to their benefit, I think he is saying he would support it. If we can say that for the record, then I think he could withdraw his amendment, as long as we know it is going through a Pittsburgh hospital. If we can make that part of the authorization.

Also, we might say -- I would like to take it further than what Mr. Wagner said, if they did not handle it right, then next year they wouldn't get allocated. We have plenty of time within the next six months before they get the money, and if it wasn't in place, we can stop it then.

Mr. Darkins:

Mr. Chairman, I just want to call a correction on you and that is, it is not true that we do not support people outside of the City of Pittsburgh. That is not true. I think if Mr. Perr was to pull all the grants and donations, you will well see there are several groups that we have supported in the past four years that are outside of the City of Pittsburgh.

The Chair:

Reverend, what I said was outside the City of Pittsburgh and outside the State of Pennsylvania. The address for this group

on the application that I have in front of me is Post Office Drawer 177, Graham, North Carolina. That is a little outside.

Mr. Onorato:

Mr. Chairman, I just want to echo Councilman Perlo and Councilman Wagner's points, because I agree with them 100 percent. I respectfully disagree with your position today and I will not vote for the amendment on the floor. Let me say why.

First of all, I resent that article that was in the paper today and the inferences it makes on this body and what we are doing with this money. There are grants and donations and there are CDBG dollars, which are federal dollars and there are federal regulations. I want to make it clear, especially for the people in my district and the people across the city, for example, under the federal dollars, there are \$23 million that the Mayor allocates and we have to approve. We have \$860,000.00 and some on the Council side that we allocate and have to approve as a body. I don't think there is anything secretive about our process between the CD dollars or the grants and donation dollars. It comes to this floor for discussion several times as was stated by Councilman Wagner, it comes back to the table with invoices and with another authorization next year that has to be approved, the Mayor has to sign it, the Mayor can veto, we can override. There are so many checks and balances with these dollars, it is unbelievable. I am not going to let an article dictate the way I vote or feel.

I have no idea if Michelle's group --

Michelle Madoff:

It is not my group.

Mr. Onorato:

-- the group that you mentioned is good or bad. However, as Councilman Perlo indicated, there are checks and balances that will work that out before the money is paid. We will see who it serves, what group it is going through in Pittsburgh, is it a city resident, is it worthwhile, and we can re-evaluate in a few months. If it appears Michelle was wrong for some reason, then we can stop it. If she is right, I can vote for it next year.

What gets me, Michelle, and I think we should make this clear, is this Council year after year after year sponsors groups for women, and I want to make that clear, too. We give money to Pittsburgh Action Against Rape, we give money to Women's Center and Shelter and on and on and on. These are just examples. I know in my district that the Children's Museum has been funded. There are so many good groups that are funded, and

it is a shame that these dollars now are tainted because of one article. I want to make that clear, because year after year, so many of our residents are being serviced by these dollars, and particularly in the lower income neighborhood and less fortunate that get serviced by these dollars. I am not ashamed of it and I am glad that the groups in my district are being funded. I will defend any one of those groups.

I am glad that this body, which took a vote of five members at least to spend \$1.00, it wasn't Dan Onorato walking around, picking groups and handing out money. That is the perception here. It takes five votes of this Council to spend \$1.00, and the Mayor can veto it and it takes six votes. This is not walking around money; Councilman Wagner is absolutely right. This is a public process. We are on TV across the city as I speak, people are hearing every name, there is a list here they can come down and grab and ask what is it about. They can pull out the application, which is public knowledge, plus City Planning has a whole staff to review this over the next few months, and with the federal dollars, HUD reviews it, if HUD finds a violation, they stop the money.

I have no problem with the process. We should move forward and I will live with the checks and balances that are in place as we speak.

Michelle Madoff:

With reference to the friendly amendment by my colleagues, I agree that it should go through a major hospital or through one of the outstanding physicians in the country based here in Pittsburgh. You know, "seed money," quote, is to a new group, not to an existing group; you don't give them seed money. They are a newly formed group because there was such a need for this group to share information so people aren't living secretly in their pain and not knowing that other people have the same problem. Yes, they have a drawer number, that is the name of the street incidentally, the box number. After the article appeared in the New York Times, they received over 4,000 phone calls in the first week. They can't even answer their telephone. They are asking you to write so they can address it by mail.

I repeat: It will probably go through maybe Magee, I hope, because I deal with a physician there who is head of one of the departments, I don't want to mention his name, because that would be unfair until I speak with him. But I shouldn't speak to him, the Vulvar Pain Foundation should talk to him. Indeed, if it isn't done in a manner that is accept to you, Mr. Ricciardi, at that time, or a leading hospital or leading physician, somebody with the correct reputation, or maybe the Medical Society will do it, then you can vote it down at that

point. But to vote "No" now is to say, "I don't care about women's issues."

Mr. Ricciardi:

Point of procedure. I have a motion on the floor to delete. I am not accepting friendly amendments, which means I am calling for the question on my motion.

The Chair:

We always allowed everybody to have an opportunity to speak. Mr. Ferlo?

Mr. Ferlo:

Just quickly, briefly so the public is clear and the media who seems to be confused on this issue. It doesn't matter what organizations are listed in this budget for funding. The fact of the matter is several months from now the Administration, not even City Council, the Administration must come back to this table for a formal legislation funding this group. At that point, and especially recognizing that we have a councilman elect, Mr. Hertzberg, who will be at this table who I am sure will be opinionated about this issue in terms of the direction of the funds, I can promise the public, and certainly every Council member around this table knows very well that there will be extensive debate. We will ask for a formal copy of the contract. There will be an hour long debate and discussion. I want to clarify that again.

Mr. Wagner:

I know there is a motion on the floor and a second. I am going to make a motion after this motion is completed that the dollars be utilized for city residents, so there is no misunderstanding.

Mr. Ferlo:

Make that for every one of our grants then.

Mr. Wagner:

That's right.

The Chair:

Take Mr. Ricciardi's motion to delete that item for the Vulvar Pain Foundation. Roll call vote.

Let me make it clear. "Aye" would be to delete it, take it out, and "No" would be to keep it in.

Roll call vote:

Ayes

Mr. Ricciardi
Mr. Cohen

Noes

Mr. Darkins
Mr. Ferlo
Michelle Madoff
Mr. O'Connor
Mr. Onorato
Mr. Smith
Mr. Wagner

Mr. Perry:

Ayes two, noes seven.

Mr. Ricciardi:

Can I have a point of procedure?

Mr. Wagner:

If I may qualify my motion, so there is no misunderstanding on any grants and donations, I simply want to put a motion on the floor for that grant and donation -- if Council wants it to be all, that is fine -- that these dollars are utilized for city residents.

Mr. Smith:

Second.

Mr. Ferlo:

Second for purposes of discussion. Again, I have no problem supporting this amendment. But again, we should not confuse the public, it has always been the case, at least the five years I have been here, for the years Jack Wagner has been here, Michelle Madoff has been here and everybody around this table, I don't know why we have to beat up ourselves on this issue, no organization that this Council has ever funded has ever had a situation where they've not provided services to city residents in neighborhoods throughout the city. So I support the amendment. But again, you know, I will challenge anybody to show us, including the funding of Mon Valley Unemployed Committee, the Jubilee Kitchen, which is technically not in the city, but actually serviced working class people, low income folks from Lincoln Place and that part of the neighborhood close to Homestead. So we are sometimes our own worst enemy in terms of beating up on ourselves. I think we can easily defend all of the organization we have funded; they have always provided services to the city, badly needed services.

Mr. Wagner:

I am making the motion, Mr. Chairman, just for a point of clarity. I know how everyone believes and I know the procedure.

The Chair:

Motion and second. All those in favor?

WHICH MOTION PREVAILED.

Mr. Ricciardi:

Point of procedure. In the past we have had an opportunity to abstain from funding any groups for any reason at all. Would it be appropriate at this time to cast any abstentions?

The Chair:

It is appropriate during this proceeding. If you don't mind, why don't we go through the last remaining amendments, we have a couple more. Also, they are capital budget amendments, too, so that will include any operating or capital. If people have any boards, whatever, that they want to abstain on the vote, we will do that at the very end.

Michelle Madoff:

Point of order. This just arrived this moment from the Vulvar Foundation, it is subject to anybody reading it (indicating). It tells what they are doing, who their board is, what their fund balance is. It is, as I said, a newly created --

The Chair:

We have taken a vote on that, Michelle.

(END OF COMMENTS)

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STENOTYPE REPORTER

(BEGINNING - COUNCIL'S COMMENTS ON BILL NO. 3473, WEDNESDAY,
DECEMBER 15, 1993)

Mr. Ferlo:

Mr. Chairman, members of Council, I think my view on this past adoption of this recruiting and hiring procedure involving so-called veteran police officers is a matter of public record. I did not support that initially, I still do not support it. That issue is behind us at least partly. Hiring did take place, administrative changes were made. I, once again, would like this issue to be reviewed by this Council. I did not support it initially. I will set aside that debate. But I am very concerned we revisit this issue. I support repealing it at this time in terms of what has transpired on the hiring. I don't want to belabor the issue. I personally resent the hiring that was done in terms of racial sexual gender under the guise of so-called veteran police hiring. I think it discriminated and hurt the ability of lots of city residents who have long struggled to want an opportunity to serve as a police officer, and that was, in fact, the main reason I did not support it. I think it undermined, in fact, efforts towards reforming from the point of view of affirmative action, undermining the system that we should have reformed and held administrators accountable to correcting. I think we were led down the prim rose path. I feel at this time it would be appropriate to repeal this and hold accountability. The state law now allows non-city residents to apply for the position of police officer. I just think and I have stated my bias, my responsibility is to people in neighborhoods throughout the city who want an opportunity to work for the city in this case to be a career public safety official police officer. We have well qualified individuals, black and white, male and female, in neighborhoods throughout this city that I think deserve an opportunity and consideration for employment. I think those individuals were superseded and hired by individuals, some of whom happen to be as young as 20 or 22 years old with just a couple years as a police officer status and being listed as so-called veteran police officers. I think that undermined the opportunities that we should be providing for our own residents. That is part of the mandate of the Home Rule Charter, to provide opportunities for our own city residents. I would ask that Council review this issue today and I ask that Council approve this repealing of this prerogative.

Mr. Onorato:

I am the co-sponsor of this bill because I stated for the public record over and over again that my initial approval of hiring veteran officers was based on the request from the Administration due to the urgency of the number of officers we had to hire in a short period of time. I have been talking with the Administration, I know there are still concerns that Director Dinardo has about having this option available. I have

been thinking about this. I am ready to repeal today knowing that if the situation comes up again, that if the Administration want to request it, they can come back to this table for discussion to ask for the same waiver.

Before I do, I have one question for the director. Are there any classes or hiring going on currently that this is going to interfere with?

Mr. DiNardo:

No. I have to clarify that. There was a test given mid November, a written test for veteran officers, but that is all.

Mr. Onorato:

There was also a test given for new recruits, too?

Mr. DiNardo:

That was given February 15th.

Mr. Onorato:

We have a new list for new recruits also?

I also would like it go on record saying that I agree with Councilman Ferlo that this city has a lot to offer in the African American community, white community, of good officers. However, even under the old systems, let's make it clear, anyone was allowed to take that test, both in and out of the city. So I don't want to send any false signals out there by repealing this that only city residents can apply for the test; anyone can apply in and outside the city. But I hope the new Administration would look at the public safety magnet program in our schools we talked about because our school student body is over 50 percent African American. I feel if a youth want to commit time and effort through his high school through a magnet program, that we should give some priority to those individuals, like a veteran preference, someone committed to public safety. That is one way of achieving the racial balance we are trying to achieve with quality, quality officers coming out of the school.

I am looking forward to trying to revamp the entire system next year. I realize we have a lot of retirements coming before us. But like I said, the new Administration has the power to come back to this table and ask for help if they need it.

Mr. Wagner:

Director, do you support this?

Mr. DiNardo:

Well, no. I think that Council and the next Administration should have an option. I don't know exactly what the plans of the Murphy Administration are for police hiring. My judgment at this point is that in the next two years I think that the city is going to have to hire approximately 500 police officers due to the early retirement program that will be completed that the city negotiated with the FOP, the Janet Reno plan of additional officers, Council's initiative with additional officers, and the potential of the President's crime package, which could be in my estimation as many as 100 officers that we may have authorization to hire.

My concern is that the existing eligibility list may not provide enough candidates to hire that many. Knowing how the process of selection recruitment, training, goes, that is good year, 12 month 14 month process from the time you start it until it is completed. I would hope that this Council would consider other restrictions to the use of a veteran hiring list rather than abolishing it, because I don't know if we can afford a year process between the time we recruit and place officers on the street not being able to know what goes on in the future.

Now, with that said, what Councilman Ferlo and Councilman Onorato said is correct. The minority and women recruitment efforts in this area were disappointing. We have a process that we have been working on for the last year for new recruits that I think will certainly help us. We know and we all agree that this department must reflect the race and gender make-up of our community the best way that we can. I think we have a good effort to do that.

The fact of the matter is that the veteran pool of officers does not have an abundance of women. The City of Pittsburgh probably is in the top two or three percent in the country in women officers. And the ability to attract veteran officers from other communities to Pittsburgh has been tried very hard. Detective Cookie Coleman leads the recruitment team and has been around the country trying to get interest to come to Pittsburgh. She has done well, but it is just an issue that there is a lot of factors involved in. So my point is in getting all that out that I think it is an option, I don't know what the future will hold. I am concerned that the process of hiring is a lengthy process, one that needs to be lengthy and carefully done, and the option of a veteran hiring effort could be held in abeyance through restrictions provided by City Council, but I think you need that option.

Mr. Wagner:

With this option removed, what would be the process of hiring then?

Mr. DiNardo:

It would be traditional recruitment process.

Mr. Wagner:

Which is basically one vehicle by which you can hire police officers?

Mr. DiNardo:

That's right.

Mr. Wagner:

What is the present percent of African Americans on the police force?

Mr. DiNardo:

It is high 20 percent.

Mr. Darkins:

Not enough.

Mr. Wagner:

In the high 20's. Does it reflect the population in the city?

Mr. DiNardo:

Well, it was I think in Judge Kohill's efforts in reviewing the case brought before him, he determined a number of things. One was that the process in his estimation was not discriminatory and that what was to be achieved by Judge Webber's court order was satisfied. So I don't agree that it is enough, I think it should be more, but we have what we have at this point.

Mr. Wagner:

What has been your experience with the hires under the veteran program? It is always important when we talk become veterans to identify what we are talking about. I have always been a strong proponent of hiring people that are police officers which are veteran police officers and, I have always been a strong proponent of hiring military veterans. We are talking about police veterans. What is your experience with the people that we have hired under this program in the last year and a half? Have they been quality people?

Mr. DiNardo:

Let me put it this way: In many cases it has been a positive experience. We have been able to place officers on the street three or seven weeks after we hired them, depending on what type of academy certification they had; if it was Pennsylvania certification, three weeks after they were hired they were able to work, if it was out of state, it is seven weeks an they were able to work. So it did satisfy an urgency situation.

Most of the beats we have under the community oriented policing program were staffed by veteran officers. I think they bring a variety of experience to the city that hopefully is shared with Pittsburgh officers and a learning experience occurs on both sides.

Their learning curve is shorter than new recruits, I don't think there is any question about that. They have been in an environment where the evaluation of their performance is appropriate to what we do in screening candidates, police work in other jurisdictions and talking to supervisors or personnel departments gives us a pretty goods yardstick to measure candidates.

So I think they are able to hit the street quicker and adapt to the situations quicker than raw recruits are.

Mr. Wagner:

With this option taken away, could you then hire a veteran officer from Forest Hills or Braddock or Clairton?

Mr. DiNardo:

No, only through the competitive recruit process.

One point of clarification, too, 100 percent of all recruit candidates are residents of the State of Pennsylvania. About 46 percent of them are residents of the City of Pittsburgh. The veteran officers experience that we have indicates that about 75 or 76 percent are residents of the state of Pennsylvania and about 20 percent or so were residents of the City of Pittsburgh.

Mr. Wagner:

It is also important to mention that under either form, they all must be residents when they become employed?

Mr. DiNardo:

Sure. One thing that was amusing to me was we hired 118 veteran officers and they all have moved into the City of

Pittsburgh. I think this Council would probably give a proclamation to any business that brought 118 residents into town and added to their population base. so it si a bitter sweet situation here. I understand the concerns about displacing city residents or not giving them the opportunity to gain employment with the Police Bureau. Frankly, that didn't happen with this process because our eligibility list expired and our initiative to move forward with community policing and full staffing compliment, you know, made this a very good optio for us.

Mr. Wagner:

If I may continue. Thank you, Mr. Chairman, members of Council, for being patient, because I think some of this information is important to get on the table in regard to where we stand and where we are going.

By the end of 1995 we will have how many more police officers retire under the early retirement program?

Mr. DiNardo:

There are currently 337 eligible.

Mr. Wagner:

Plus any other?

Mr. DiNardo:

Plus 27 officers that if we are awarded the Department of Justice Supplemental Hiring Program, plus I estimate probably 20, and I might be a little bit high, disability pensions that come out of the police department over a two year period, like said, I am putting at 100 something that should come from the President's plan on crime.

Mr. Wagner:

Well, I think I have asked a number of questions and I would hope and ask my colleagues to reconsider this. It is very, very important to let this director or any director have the option to hire people that they think they need that are competent. The public safety issue is the most important issue in the governance of this city an any city in this country. I believe there is a commitment to keep -- to make sure that ther is an appropriate racial make-up on the police force, whether that is done with one mechanism or several mechanisms of hiring. But I am a firm believer that if you can hire competent, qualified people, you need to have the option to do that. We have a future Mayor coming in that has hired a Deputy Mayor fro Cleveland. I have no problem with that. I don't think anyone

should have a problem with this director or any Police Chief for hiring a competent person if they can find a very competent person that is a veteran police officer no matter where they are from. Now, that may not be a politically popular thing to say because residents of the city will continue to say "Gee, we have to hire City of Pittsburgh residents." True, under the other option there is a higher percentages of city residents that are hired, but we know that under the other process in the history of hiring, that they have not been all city residents. Anyone can apply under any program of hiring, they do not have to be a city resident, they simply have to be a resident when hired.

I have had some contact with some of these veteran police officers. I think they are very competent. I know you have gotten some that aren't so competent, and I understand that. But to give this director or any future director or future police chief the option to higher than different mechanisms of hiring I think is extremely importantly. I know that differs with Mr. Ferlo, I know you didn't support this originally. If we could give this director more options, I think we would be doing the right thing. We should not be handcuffing his hands in the hiring process, and I think that is precisely what we are doing with this legislation. I would just ask my colleagues to please reconsider.

Mr. Darkins:

Director Dinardo, I am glad to hear you come public and say two things, two items. No. 1, I think that I am going to take it upon myself, because Ed Davis the managing editor of the Pittsburgh Courier should be interviewing you on your stand that you have taken that there are not enough of African Americans on the police force here in the City of Pittsburgh. We really haven't had an official come out and make that type of statement. I think that should be a record not just in Council here, they should hear it from you. So I might be sending them to see you if they can interview you on that particular process. I am greatly concerned.

Also, prior top yesterday's meeting, I had threw some questions to you at another meeting right here at this table, and as I think of what the vote was yesterday, one opposed and seven for, and here we are back at the table today talking about residency. And as far as I am concerned, yesterday just put a fly in the milk. You know how a fly looks in white milk; it is going to tarnish, taint us. I think if we have that posture and and stand on residency, and people, before they start work for the City of Pittsburgh, I don't think it is just hold to the police department, and that is what I was trying to drive out to make my colleagues understand yesterday. It should apply to all facets of employment within the City of Pittsburgh. According to the Department of Personnel, this should be held true to. I have yesterday and someone says "Don't call names." I wouldn't

call the individual's name that made a big issue about the residency and still yet seven of my colleagues hear voted for the variance on residency for one person, just one person. Here you are today talking, Director Dinardo, several police officers and what you said is well-taken and it is true. Either we are going to be for it or against it or we need to come up with some new legislation.

The Chair:

Go back around.

Mr. Ricciardi:

I will be brief. As you know, I initially supported the legislation and the record clearly showed that we had an emergency here in the City of Pittsburgh and we did; the violence escalated to such a degree and obviously we needed to fill those positions. Months later I made a motion then to repeal this unsuccessfully, because I thought we accomplished your goal. I think now if we properly plan our classes, that we can get ready for the 337 people that are about to retire. If another emergency arises, I think then we will force the Administration, you and others to come to this table and explain why it is needed. So I am voting to repeal this today.

Mr. Ferlo:

I appreciate Mr. Wagner's comments, but I want to clarify a couple things. I am resentful that in my Council district I have individuals who want to be a police officer what I feel are very competent and qualified. They are male and female and black and white. They are being superseded by primarily white male who happen to be technically veteran police officers from points east, west, north and south, outside of even this state. That is my point in wanting to repeal this. What we need is an Administration who is going to take seriously the issue of affirmative action and recruitment and training and giving people in the city an opportunity. That means reforming personnel and civil service hiring procedure, the training and how we do that. We have avoided that. Because we are in a bind, we rushed to judgment to deal with what originally was Mr. Wagner's proposal. I disagree with that, although I do respect Mr. Wagner for wanting to deal with the problem in the best way that I think he thought of in terms of trying to get some officers on quickly.

I think we need to go back and review this issue. Mr. Wagner had directed an earlier question at Mr. DiNardo, but it wasn't fully answered, and that is what were the numbers and composition hired of veteran police officers, and you didn't get a response to that question, Mr. Wagner.

Mr. Wagner:

Pardon me?

Mr. Ferlo:

You asked at one point what was the make-up, I think was your phrase.

Mr. Wagner:

No. My question basically was how was that class of officers? Were they a good class of officers?

Mr. Ferlo:

Let me take it one step further. What was the hiring?

Mr. DiNardo:

The first year veteran officers were 94 percent white male, 1 percent white female, 5 percent black male.

Mr. Ferlo:

That is why I am resentful. I have individuals who come to me who are black and white, who are male and female, born and raised in this city, including some that have just gotten out of military -- just gotten out of the military, including some that happen to do whatever you call it, military police activity, and they have been supersede by people from San Francisco, Detroit, Cleveland, Atlanta, whatever. I resent that. I think instead of reforming and taking corrective action at the the recruitment, training and hiring procedure making it more expeditious, we should be putting on a class right now. Mr. Wagner's point is excellent, and that is we have a mandate of 300 plus officers that are going to be retiring or taking the three-quarter pension between now and the end of '95. We should have a class on now.

Mr. DiNardo:

We have a class starting January 3.

Mr. Ferlo:

How big is the class? Don't tell me 45 people.

Mr. DiNardo:

We hired what was eligible.

Mr. Ferlo:

My point being, we have to move quickly. If we can't train them in our own academy, then we contract out.

Mr. DiNardo:

That is not the issue. I understand what you are saying.

Mr. Ferlo:

I ask Council if we are truly in favor of dealing with affirmative action, then I think we should rid ourselves of the discriminatory practice of hiring the veteran police officers and deal with the real issue of reforming what has become a cumbersome bureaucratic hassle for the public safety administrators who are trying to do a job without the cooperation of the Personnel and Civil Service Commission.

Mr. Onorato:

One final point on why I am ready to repeal this. I originally supported this because of the emergency. If you look at the two ways of hiring veteran versus new recruits, under veteran officers, if you are not a veteran, you don't even have a shot at becoming an officer in the City of Pittsburgh. Under the new recruit, even veteran officers can apply for the test and everyone has a shot at becoming an officer.

One of the side effects of this veteran officers hiring, I got a lot of calls that said "I don't have a shot at becoming an officer," not even with the competitive test for positions hired under the veteran officer litigation. I know we were doing both at the same time. But I will use the scenario that Director Dinardo mentioned about we would love to have companies generating employees coming back to the City of Pittsburgh, but what company is offering over 350 jobs, good paying jobs with benefits? We can offer that to our city residents over the next year. This is the one time chance to revamp the police force, we are not going to have this many retirements for a long time, and I think if we take into account and look at the new recruit list and procedures, hopefully we can do that in 1994, and really give preference to City of Pittsburgh residents and achieve any make-up of a class we are trying to achieve through that method. The veterans would still have an option to take that test.

The Chair:

I agree with you. I also voted originally for the bill for veteran police officers and did so for two reasons, really the two stated reasons at the time; one was a one time emergency measure to hire many police officers because of skyrocketing

violent crime rate and we did so. You know, there certainly are disagreements over whether it was done quickly enough or not, but it was done. And it is not that we are out of this this public safety crisis at all, but it was a one time shot that hired a lot of police officers, I think by and large good police officers.

The other aspect of it was -- and it was stated at the time -- to enable us to increase -- to achieve the racial composition of the police force that reflects the City of Pittsburgh. I think even Director Dinardo would agree --

Mr. DiNardo:

Excuse me, Councilman, but don't think that the recruit system that we operate under now will achieve that, because it won't.

The Chair:

That's right. You would agree that we did not achieve success in that second goal?

Mr. DiNardo:

I will agree with that.

The Chair:

I agree with what Councilman Onorato said. It was billed as a one-time shot to hire more police. We have approximately 180 more police today on the streets than we did a year ago today. And I think if the new Administration wants to do this again, then we should come back to Council and have the kind of discussion we need for that.

Mr. Smith:

Philosophically I was not here when this was passed at Council. I do understand that it was a desire for a one time need to fulfill a number of positions. The basic problem, and everyone here is clouding the issue with affirmative action, I think that it is not the issue of affirmative action, it is the issue that if we hire from the City of Pittsburgh, the pool will be reflective of the make-up of the City of Pittsburgh with minority and females. When we hire and make it possible for someone to step over the list that from communities that are not reflective of what is inside the City of Pittsburgh, then we are creating a greater problem with affirmative action.

I am supporting the repeal of this. If 385 officers walk out on January 15th taking their retirement and this comes back to the table, it will be a consideration to address that issue.

But until the Administration gets it act together, has plan A, plan B and plan C to address, because believe it or not, when I worked in public safety, they had records that said when people would be eligible to retire, they can plot and plan over a 20 year period of when they need to raise the number of classes.

I resent going outside my state, because I understand there is a state mandate. But when you bring people here who have never dealt with minorities because the communities to which they have veteran preference was communities in which Saturday night was their big night for one individual who got drunk consistently, and bring them to my urban environment where they have never been face-to-face with a multi-cultural multi-economic citizenry that this city has, then I resent that. Let's give the shot to the city residents, the state residents, have them all go through the same process an procedure. If the veteran officer is at the top of that list with that class, then he has fulfilled that obligation and he will be hired. But to separate it out and place him above any tax paying citizen in this city or state above anyone else, I cannot support.

I will be voting for the repeal of this. If you have a problem, please come back, because to me the difference between three weeks and seven weeks on the street, if we have bungled our job so bad that we would allow this to occur, then someone is accountable, but it is not going to be through this procedure that I don't support.

Mr. Wagner:

Obviously the votes are here. I think, but again I say to my colleagues, by restricting this director or any director or chief as to the hiring processes by which they can use is taking away their ability to do a competent job. Unfortunately, it seems as if the hiring of police officers, it is always missed: The topic of competency and qualifications is never part of the discussion. We had a police force that traditionally was flawed in its hiring process that did not reflect the racial make-up of this city, therefore, we had a civil order and there were 50 percent African Americans hired, 50 percent males and 50 percent females hired. There is today a police bureau that reflects of make-up of this city and I think is a better police force because of it. However, you cannot take away the competency and qualification issue from the hiring process. I have had serious problems with this Administration to some degree but more importantly the past Administration in terms of the lack of professional recruitment. There are other police bureaus that hire women, that hire African Americans and get competent people. This city has not done an aggressive job in terms of recruitment, going to universities like the State Police has done, like the FBI has done, and I think any administration needs as many options as possible in terms of hiring. If we really want to make it an issue of reflecting the make-up of

this city, let's talk about the hiring of the fire bureau. We have a fire bureau that has less than 10 percent African Americans. The last class had one or two out of 30 some. If we really want to -- if we want to have an impact, we should step to the plate in terms of the hiring process in other departments in city government.

But again, I plead to all of you, don't put handcuffs on this individual's hands or Chief Buford's hands because they are protecting the people of this city. When it comes to hiring competent people, the most important job in this city to hire competent people is in the police bureau. And we have to give them every single option by which they can do that. I think we have done that through the passage of this legislation, which I was a proponent of five years ago back when we did that. We are sending the wrong message by repealing that.

Mr. Ferlo:

I agree with much of what you said, but hiring Andy from Mayberry is not necessarily the intent of what we wanted to do.

Mr. Wagner:

But if you can hire the director of the FBI who lives in Washington, D.C. and is the best cop in American, you should be able to do it.

The Chair:

We are going to vote. All those in favor indicate by saying "aye".

Mr. Wagner:

Opposed.

(END OF COMMENTS)

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